
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3408) TO SET CLEAR RULES FOR THE DEVELOPMENT OF UNITED STATES OIL SHALE RESOURCES, TO PROMOTE SHALE TECHNOLOGY RESEARCH AND DEVELOPMENT, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3813) TO AMEND TITLE 5, UNITED STATES CODE, TO SECURE THE ANNUITIES OF FEDERAL CIVILIAN EMPLOYEES, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7) TO AUTHORIZE FUNDS FOR FEDERAL-AID HIGHWAY, PUBLIC TRANSPORTATION, AND HIGHWAY AND MOTOR CARRIER SAFETY PROGRAMS, AND FOR OTHER PURPOSES.

February 14, 2012.—Referred to the House Calendar and ordered to be printed.

Mr. WEBSTER, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 547]

The Committee on Rules, having had under consideration House Resolution____, by a record vote of 8 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. 3408, the Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act, under a structured rule. The resolution provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of titles XIV and XVII of Rules Committee Print 112-14 shall be considered as adopted, and provides that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments to H.R. 3408 printed in Part A of 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 Part A of this report. The resolution provides one motion to recommit H.R. 3408 with or without instructions.

The resolution also provides for consideration of H.R. 3813, Securing Annuities for Federal Employees Act of 2012, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of title XVI of Rules Committee Print 112-14 shall be considered as adopted, and provides that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments to H.R. 3813 printed in Part B of 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 Part B of this report. The resolution provides one motion to recommit H.R. 3813 with or without instructions.

The resolution further provides for general debate of H.R. 7, the American Energy and Infrastructure Jobs Act of 2012. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The resolution waives all points of order against consideration of H.R. 7. The resolution provides that an amendment in the nature of a substitute consisting of the text of titles I through XIII and XV of Rules Committee Print 112-14 shall be considered as adopted. The resolution provides that no further consideration of the bill shall occur except pursuant to a subsequent order of the House.

The resolution directs the Clerk to retain title and section designations as they appear in Rules Committee Print 112-14 when preparing an amendment in the nature of a substitute to H.R. 7, H.R. 3408, and H.R. 3813.

The resolution authorizes the Clerk to make technical and conforming changes to amendatory instructions in the engrossment of H.R. 3408 and H.R. 3813.

The resolution directs the Clerk to, in the engrossment of H.R. 7, add the texts of H.R. 3408 and H.R. 3813, as passed by the House, retaining the title and section designations as they appear in Rules Committee Print 112-14 to the extent possible, and to make technical and conforming changes.

The resolution provides that upon the addition of the text of H.R. 3408 or H.R. 3813, as passed by the House, to the engrossment of H.R. 7, H.R. 3408 or H.R. 3813 (as the case may be) shall be laid on the table.

Finally, the resolution Authorizes the chair of each of the following committees to file a supplemental report to accompany any of the following measures: Natural Resources, with respect to H.R. 3407, 3408, and 3410;

Ways and Means, with respect to H.R. 3864; and Oversight and Government Reform, with respect to H.R. 3813.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 3408, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 3408, as amended, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 3813 includes a waiver of the following: Section 303(a) of the Congressional Budget Act, prohibiting consideration of legislation, as reported, providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to; and, clause 3(c)(4) of rule XIII, requiring the inclusion of general performance goals and objectives in a committee report.

Although the resolution waives all points of order against provisions in H.R. 3813, as amended, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 7 includes a waiver of the following: Section 303(a) of the Congressional Budget Act, prohibiting consideration of legislation, as reported, providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to; and, clause 10 of rule XXI, prohibiting the consideration of a bill if it has the net effect of increasing mandatory spending over the five- or ten-year period.

While the resolution contemplates the engrossment of multiple measures that when combined produce a score that does not violate clause 10(a) of rule XXI, H.R. 7 does not technically qualify for combined scoring under clause 10(b) of rule XXI, because the amendments will appear other than at the end of the object which is intended to be offset.

Although the rule waives all points of order against the amendments printed in Part A and Part B of this report, the Committee is not aware of any points of order against the amendments. The waivers of all points of order are 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. 190

Motion by Mr. Hastings of Florida to report open rules for consideration of H.R. 3408, H.R. 3813, and H.R. 7. Defeated: 4-8

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

Rules Committee Record Vote No. 191

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #135 to H.R. 3408, offered by Rep. McGovern (MA), which would reduce the federal deficit by \$40 billion by eliminating subsidies to oil companies. Defeated: 4-8

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

Rules Committee Record Vote No. 192

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #135 to H.R. 7, offered by Rep. McGovern (MA), which would reduce the federal deficit by \$40 billion by eliminating subsidies to oil companies. Defeated: 4-8

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

Rules Committee Record Vote No. 193

Motion by Mr. McGovern to provide for consideration of amendment #135, offered by Rep. McGovern (MA), as a free-standing bill. Defeated: 4-8

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

Rules Committee Record Vote No. 194

Motion by Mr. Sessions to report the rule. Adopted: 8-4

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

SUMMARY OF THE AMENDMENTS IN PART A MADE IN ORDER

1. Eshoo (CA): Would require the Federal Energy Regulatory Commission to review the results of the Pipeline and Hazardous Materials Safety Administration (PHMSA) study, as required by the bipartisan pipeline safety bill (P.L 112-90), before issuing a permit for the Keystone XL pipeline. (10 minutes)
2. Markey, Edward (MA), Cohen (TN), Welch (VT), Connolly (VA): Would ensure that if the Keystone XL pipeline is built, the oil that it transports to the Gulf of Mexico and the fuels made from that oil remain in this country to benefit Americans. Would allow the President to waive this requirement if it can be shown that an export of the oil or fuels won't increase our dependence on oil or fuels we buy from hostile nations, that prices for refiners and consumers won't go up if the export occurs, or if an export is needed to comply with any international treaties or other agreements we have to export oil or fuels. (10 minutes)
3. Rush (IL): Would amend Title XIV [KEYSTONE XL PIPELINE] to prohibit the issuance of a permit absent conditions that restrict the ability of the permit recipient from initiating or threatening to initiate proceedings to invoke the power of eminent domain against the will of a property's owner for the purposes of constructing or operating the Keystone XL pipeline. (10 minutes)
4. Doyle (PA), Murphy, Christopher (CT): Would require that a permit for the Keystone XL pipeline is not to be issued or deemed issued unless the permit applicant can certify and provide adequate documentation to FERC that at least 75% of the iron and steel to be used in domestic portion of the pipeline is produced in North America. (10 minutes)
5. Polis (CO): Would strike subtitle A of title XVII and provides a five year window offset through increasing the federal share of drilling revenue. (10 minutes)
6. Hastings, Doc (WA): Would change the underlying bill's requirement that the Department of the Interior substitute two new lease blocks for each one lease block that is deferred from a lease sale at the request of the Department of Defense, to replace each deferred lease block with

one new lease block. Would also call attention to the existing authority under the Outer Continental Shelf Lands Act for the President to designate National Defense Areas on the outer Continental Shelf that are restricted from exploration and operation. The amendment would also require the North Aleutian Basin lease sale to be conducted by 2015 rather than one year after enactment of the Act. (10 minutes)

7. Capps (CA): Would strike Section 17304, relating to oil and gas lease sales in the Southern California planning area, and part 4, relating to OCS revenue sharing with coastal states. (10 minutes)
8. Bilirakis (FL): Would require the Secretary to conduct an economic impact survey to determine the economic effects that lease sales within 100 miles of the coast of Florida will have on the Florida fishing and tourism industries. (10 minutes)
9. Bishop, Tim (NY), Crowley (NY), Rangel (NY), Pascrell (NJ), Pingree (ME): Would prohibit oil and natural gas lease sales in the northeast U.S. (10 minutes)
10. Richmond (LA): Would allow oil and gas revenues to be used for coastal wetlands conservation, coastal restoration, hurricane protection, or infrastructure projects directly impacted by coastal wetland losses. Currently, HR 7 contains a prohibition on how states can use oil and gas revenues. Energy producing states use offshore oil and gas revenues to fund their required state cost share of hurricane protection and coastline restoration programs. (10 minutes)
11. Landry (LA), Richmond (LA): Would raise the Gulf of Mexico Energy Security Act cap to \$750 million per year starting in year 2023 until 2055. The amendment would keep the \$500 million cap per year in place through year 2022. (10 minutes)
12. Deutch (FL): Would require a person to include in the application for a drilling lease an estimate of the economic impact, including job losses, resulting from a worst-case discharge of oil from facilities operating under the lease. (10 minutes)
13. Thompson, Mike (CA), Woolsey (CA): Would clarify that the legislation does not allow for oil and gas drilling on the northern coast of California. (10 minutes)
14. Holt (NJ), Bass (NH), Dingell (MI), Dold (IL), Gerlach (PA), Murphy, Christopher (CT), Kind (WI): Would affirm that nothing in the underlying bill will affect funding for the Land and Water Conservation Fund (LWCF). (10 minutes)
15. Hanabusa (HI): Would require that offshore oil and gas leases contain specific safety requirements. (10 minutes)
16. Hastings, Doc (WA): Would streamline the NEPA process to allow for expedited development of renewable energy projects on federal lands and waters. (10 minutes)
17. Markey, Edward (MA): Would expand on the oil export ban already included in the Arctic drilling subtitle (Sec. 17706) to prohibit export of any natural gas produced pursuant to a lease issued under Title XVII of this Act. (10 minutes)

18. Markey, Edward (MA): Would require companies holding defective leases which allow them to drill on public lands off-shore without paying a royalty, to renegotiate those leases prior to bidding on new leases issued pursuant to Title XVII of this Act. (10 minutes)
19. Labrador (ID): Would minimize NEPA requirements for a geothermal exploration test project so a project can quickly move forward if resources are found. (10 minutes)
20. Scalise (LA), Bonner (AL), Landry (LA), Miller, Jeff (FL), Palazzo (MS), Southerland (FL), Olson (TX), Richmond (LA): Would dedicate Clean Water Act penalties associated with the Deepwater Horizon disaster to the Gulf Coast Restoration Trust Fund. (10 minutes)

SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Issa (CA): Manager's Amendment. Would ensure the bill achieves the intended discretionary savings. (10 minutes)
2. Lynch (MA): Would prevent the main provisions of Title XVI of H.R. 7, pertaining to increased retirement contributions for federal workers, from going into effect while federal employees are operating under a pay freeze. Would also exclude Members of Congress from receiving relief from the increased retirement contributions during years in which federal employees are subject to a pay freeze. (10 minutes)
3. Nugent (FL): Would allow members of Congress to opt-out of participating in the Federal Employees Retirement System. It also would allow members to contribute to the Thrift Savings Plan without receiving a federal match to their contributions. (10 minutes)

PART A—TEXT OF AMENDMENTS MADE IN ORDER

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

10-1

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MS. ESHOO OF CALIFORNIA**

In section 14003(a), add at the end the following:

1 (3) ENSURING PUBLIC SAFETY.—Notwith-
2 standing paragraphs (1) and (2), a permit shall not
3 be issued or deemed to have been issued under this
4 subsection until the Federal Energy Regulatory
5 Commission examines and determines the relevance
6 to the Keystone XL pipeline of the report issued by
7 the Pipeline and Hazardous Materials Safety Ad-
8 ministration, pursuant to the Pipeline Safety, Regu-
9 latory Certainty, and Job Creation Act of 2011
10 (Public Law 112–90), describing the results of its
11 review of hazardous liquid pipeline regulations and
12 whether such regulations are sufficient to ensure the
13 safety of pipelines used for the transportation of di-
14 luted bitumen.



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

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**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

Page 903, after line 22, insert the following new paragraph:

1 (3) ENERGY SECURITY.—Notwithstanding
2 paragraph (1), the Federal Energy Regulatory Com-
3 mission shall require every permit issued under this
4 Act to include provisions that ensure that any crude
5 oil and bitumen transported by the Keystone XL
6 pipeline, and all refined petroleum fuel products
7 whose origin was via importation of crude oil or bi-
8 tumen by the Keystone XL pipeline, will be entered
9 into domestic commerce for use as a fuel, or for the
10 manufacture of another product, in the United
11 States. The President may provide for waivers of
12 such requirement in the following situations:

13 (A) Where the President determines that
14 such a waiver is in the national interest because
15 it—

16 (i) will not lead to an increase in do-
17 mestic consumption of crude oil or refined
18 petroleum products obtained from coun-

1 tries hostile to United States interests or
2 with political and economic instability that
3 compromises energy supply security;

4 (ii) will not lead to higher costs to re-
5 finers who purchase the crude oil than
6 such refiners would have to pay for crude
7 oil in the absence of such a waiver; and

8 (iii) will not lead to higher gasoline
9 costs to consumers than consumers would
10 have to pay in the absence of such a waiv-
11 er.

12 (B) Where an exchange of crude oil or re-
13 fined product provides for no net loss of crude
14 oil or refined product consumed domestically.

15 (C) Where a waiver is necessary under the
16 Constitution, a law, or an international agree-
17 ment.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. RUSH OF ILLINOIS**

Page 903, after line 22, insert the following new paragraph:

1 (3) RESTRICTION ON USE OF EMINENT DO-
2 MAIN.—Notwithstanding paragraphs (1) and (2), a
3 permit shall not be issued or deemed to have been
4 issued under this subsection absent a condition that
5 prohibits the permit recipient from initiating or
6 threatening to initiate proceedings to invoke the
7 power of eminent domain for the purpose of taking
8 ownership, rights-of-way, easements, or other access
9 or use of private property in the United States, for
10 purposes of constructing or operating the Keystone
11 XL pipeline, against the will of the property’s owner.



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

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**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7**

OFFERED BY MR. DOYLE OF PENNSYLVANIA

*and Mr. Murphy
of Connecticut*

Page 906, after line 10, insert the following new section:

tion:

1 **SEC. 14005. USE OF AMERICAN IRON AND STEEL.**

2 Notwithstanding section 14003(a)(1) and (2), a per-
3 mit shall not be issued or deemed to have been issued
4 under this title unless the permit applicant certifies and
5 provides adequate documentation to the Federal Energy
6 Regulatory Commission that at least 75 percent of iron
7 and steel to be used in the construction of the domestic
8 portion of the pipeline and related facilities described in
9 section 14002(b) is produced in North America.

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

130R

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. POLIS OF COLORADO**

Beginning at page 926, line 3, strike subtitle A of
title XVII.

Page 976, line 20, strike "50" and insert "51".



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7**

OFFERED BY *Mr. Hastings (WJA)*

Page 935, line 7, strike “two other lease blocks” and insert “1 other lease block”.

Page 937, after line 13, insert the following:

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

Page 941, beginning at line 1, strike “1 year after the date of enactment of this Act” and insert “December 31, 2015”.

Page 945, line 8, strike “two other lease blocks” and insert “1 other lease block”.

Page 946, after line 22, insert the following:

8 (3) NATIONAL DEFENSE AREAS.—The United
9 States reserves the right to designate by and

1542

1 through the Secretary of Defense, with the approval
2 of the President, national defense areas on the outer
3 Continental Shelf pursuant to section 12(d) of the
4 Outer Continental Shelf Lands Act (43 U.S.C.
5 1341(d)).



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

184

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MRS. CAPPS OF CALIFORNIA**

Beginning on page 938, line 3, strike section 17304.

Beginning on page 948, line 3, strike part 4.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. BILIRAKIS OF FLORIDA**

Page 944, after line 22, insert the following new subparagraph:

1 (D) The Secretary shall conduct, and take
2 into consideration the results of, an economic
3 impact survey to determine any adverse eco-
4 nomic effects that such lease sales within 100
5 miles of the western coast of Florida may have
6 on the Florida Gulf coast fishing industry and
7 tourism industry.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

REVISE
Bishop # 43

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7**

OFFERED BY MR. BISHOP OF NEW YORK

Page 948, beginning on line 3, strike part 4.

Page 954, after line 19, insert the following new section:

1 **SEC. 176** ____. **PROHIBITION ON LEASE SALES IN CERTAIN**
2 **AREAS.**

3 No oil and gas lease sale may be conducted for any
4 area of the outer Continental Shelf (as that term is de-
5 fined in the Outer Continental Shelf Lands Act (33 U.S.C.
6 1331 et seq.)) for which any of the States of New York,
7 New Jersey, Connecticut, Rhode Island, Massachusetts,
8 New Hampshire, or Maine is an affected State under sec-
9 tion 2(f)(1) of the Outer Continental Shelf Lands Act (33
10 U.S.C. 1331(f)(1)).



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

282 L

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. RICHMOND OF LOUISIANA**

Page 952, beginning on line 17, strike “Federal program” and insert “Federal program, except in the case of a project for coastal wetlands conservation, coastal restoration, or hurricane protection, or an infrastructure project directly impacted by coastal wetland losses”.



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

197R

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. LANDRY OF LOUISIANA AND
MR. RICHMOND OF LOUISIANA**

Beginning on page 952, line 19, strike section 17501(b) and insert the following:

1 (b) LIMITATION ON APPLICATION.—Subsection (a)
2 and the amendment made by subsection (a) shall not af-
3 fect the application of section 105 of the Gulf of Mexico
4 Energy Security Act of 2006 (title I of division C of Public
5 Law 109–432; (43 U.S.C. 1331 note)), as in effect before
6 the enactment of this Act, with respect to revenues re-
7 ceived by the United States under oil and gas leases issued
8 for tracts located in the Western and Central Gulf of Mex-
9 ico Outer Continental Shelf Planning Areas, including
10 such leases issued on or after the date of the enactment
11 of this Act.

12 (c) AMOUNT OF DISTRIBUTED QUALIFIED OUTER
13 CONTINENTAL SHELF REVENUES.—Section 105(f)(1) of
14 the Gulf of Mexico Energy Security Act of 2006 (title I
15 of division C of Public Law 109–432; (43 U.S.C. 1331
16 note)) is amended by striking “2055” and inserting

1 “2022, and shall not exceed \$750,000,000 for each of fis-
2 cal years 2023 through 2055”.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEUTCH OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

280 L

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. DEUTCH OF FLORIDA**

Page 954, after line 19, insert the following:

1 **SEC. 17603. ESTIMATE OF THE ECONOMIC IMPACT OF**
2 **WORST-CASE DISCHARGE OF OIL.**

3 A person shall not be eligible for a lease issued under
4 this subtitle (including the amendments made by this sub-
5 title) unless the person includes in the application for the
6 lease an estimate of the economic impact, including job
7 losses, resulting from a worst-case discharge of oil from
8 facilities operated under the lease.



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

127

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. THOMPSON OF CALIFORNIA**

Page 954, after line 19, insert the following:

1 **SEC. ____.** **LIMITATION ON LEASING OFF THE COAST OF**
2 **NORTHERN CALIFORNIA.**

3 Section 8(a) of the Outer Continental Shelf Lands
4 Act (43 U.S.C. 1337) is amended by adding at the end
5 the following:

6 “(9) No oil and gas lease may be issued under this
7 Act for any area of the outer Continental Shelf for which
8 the State of California is an affected State under section
9 2(f)(1) and that is located west of Marin, Sonoma,
10 Mendocino, Humboldt, or Del Norte County, California.”.

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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. HOLT OF NEW JERSEY**

Page 954, after line 19, insert the following:

- 1 **SEC. 17603. LAND AND WATER CONSERVATION FUND**
- 2 **LOCKBOX.**
- 3 Nothing in this subtitle reduces the amount of reve-
- 4 nues received by the United States under oil and gas
- 5 leases of areas of the Outer Continental Shelf that is avail-
- 6 able for deposit into the Land and Water Conservation
- 7 Fund.



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

114

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY M S. HANABUSA**

Page 954, after line 19, add the following new section:

1 **SEC. 17603. SAFETY REQUIREMENTS.**

2 The Secretary of the Interior shall require that drill-
3 ing operations conducted under each lease issued under
4 this subtitle (including the amendments made by this sub-
5 title) meet requirements for—

6 (1) third-party certification of safety systems
7 related to well control, such as blowout preventers;

8 (2) performance of blowout preventers, includ-
9 ing quantitative risk assessment standards, subsea
10 testing, and secondary activation methods;

11 (3) independent third-party certification of well
12 casing and cementing programs and procedures;

13 (4) mandatory safety and environmental man-
14 agement systems by operators on the outer Conti-
15 nental Shelf (as that term is used in the Outer Con-
16 tinental Shelf Lands Act); and

- 1 (5) procedures and technologies to be used dur-
- 2 ing drilling operations to minimize the risk of igni-
- 3 tion and explosion of hydrocarbons.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. HASTINGS OF WASHINGTON**

At the end of title XVII add the following:

1 **Subtitle D—Streamlining Federal**
2 **Review To Facilitate Renewable**
3 **Energy Projects**

4 **SEC. 17801. SHORT TITLE.**

5 This subtitle may be cited as the “Cutting Federal
6 Red Tape to Facilitate Renewable Energy Act”.

7 **SEC. 17802. ENVIRONMENTAL REVIEW FOR RENEWABLE**
8 **ENERGY PROJECTS.**

9 (a) **COMPLIANCE WITH NEPA FOR RENEWABLE EN-**
10 **ERGY PROJECTS.**—In complying with the National Envi-
11 ronmental Policy Act of 1969 (41 U.S.C. 4321 et seq.)
12 with respect to any action authorizing or facilitating a pro-
13 posed renewable energy project, at the election of the ap-
14 plicant a Federal agency shall—

15 (1) consider only the proposed action and the
16 no action alternative;

17 (2) analyze only the proposed action and the no
18 action alternative; and

1 (3) identify and analyze potential mitigation
2 measures only for the proposed action and the no
3 action alternative.

4 (b) PUBLIC COMMENT.—In complying with the Na-
5 tional Environmental Policy Act of 1969 with respect to
6 a proposed renewable energy project, a Federal agency
7 shall only consider public comments that specifically ad-
8 dress the proposed action or the no action alternative (or
9 both) and are filed within 30 days after publication of a
10 draft environmental assessment or draft environmental
11 impact statement.

12 (c) DEFINITIONS.—For purposes of this section:

13 (1) FEDERAL WATERS.—The term “Federal
14 waters” means waters seaward of the coastal zone
15 (as that term is defined in section 304 of the Coast-
16 al Zone Management Act of 1972 (16 U.S.C.
17 1453)), to the limits of the exclusive economic zone
18 or the Outer Continental Shelf, whichever is farther.

19 (2) OUTER CONTINENTAL SHELF.—The term
20 “Outer Continental Shelf” has the meaning the term
21 “outer Continental Shelf” has in the Outer Conti-
22 nental Shelf Lands Act (43 U.S.C. 1331 et seq.).

23 (3) RENEWABLE ENERGY PROJECT.—The term
24 “renewable energy project” means a project on Fed-
25 eral lands or in Federal waters, including a project

1 on the Outer Continental Shelf, using wind, solar
2 power, geothermal power, biomass, or marine and
3 hydrokinetic energy to generate energy, that is con-
4 structed encouraging the use of equipment and ma-
5 terials manufactured in the United States.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7**

OFFERED BY *MR. MARKEY*

At the end of title XVII add the following:

1 **Subtitle D—Miscellaneous**
2 **Provisions**

3 **SEC. 17801. PROHIBITION ON EXPORT OF GAS.**

4 Each oil and gas lease issued under this title (includ-
5 ing the amendments made by this title) shall prohibit the
6 export of gas produced under the lease.



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

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**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7**

OFFERED BY *MR. MARKEY*

At the end of title XVII add the following:

1 **Subtitle D—Miscellaneous**
2 **Provisions**

3 **SEC. 17801 ELIGIBILITY FOR NEW LEASES AND THE TRANS-**
4 **FER OF LEASES.**

5 (a) **ISSUANCE OF NEW LEASES.—**

6 (1) **IN GENERAL.**—Beginning in fiscal year
7 2013, the Secretary of the Interior shall not accept
8 bids on any new leases offered pursuant to this title
9 (including the amendments made by this title) from
10 a person described in paragraph (2) unless the per-
11 son has renegotiated each covered lease with respect
12 to which the person is a lessee, to modify the pay-
13 ment responsibilities of the person to require the
14 payment of royalties if the price of oil and natural
15 gas is greater than or equal to the price thresholds
16 described in clauses (v) through (vii) of section
17 8(a)(3)(C) of the Outer Continental Shelf Lands Act
18 (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 (3) MULTIPLE LESSEES.—

17 (A) IN GENERAL.—For purposes of para-
18 graph (1), if there are multiple lessees that own
19 a share of a covered lease, the Secretary may
20 implement separate agreements with any lessee
21 with a share of the covered lease that modifies
22 the payment responsibilities with respect to the
23 share of the lessee to include price thresholds
24 that are equal to or less than the price thresh-
25 olds described in clauses (v) through (vii) of

1 section 8(a)(3)(C) of the Outer Continental
2 Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

3 (B) TREATMENT OF SHARE AS COVERED
4 LEASE.—Beginning on the effective date of an
5 agreement under subparagraph (A), any share
6 subject to the agreement shall not constitute a
7 covered lease with respect to any lessees that
8 entered into the agreement.

9 (b) TRANSFERS.—A lessee or any other person who
10 has any direct or indirect interest in, or who derives a
11 benefit from, a covered lease shall not be eligible to obtain
12 by sale or other transfer (including through a swap, spin-
13 off, servicing, or other agreement) any new lease offered
14 pursuant to this title (including the amendments made by
15 this title) or the economic benefit of any such new lease,
16 unless the lessee or other person has—

17 (1) renegotiated each covered lease with respect
18 to which the lessee or person is a lessee, to modify
19 the payment responsibilities of the lessee or person
20 to include price thresholds that are equal to or less
21 than the price thresholds described in clauses (v)
22 through (vii) of section 8(a)(3)(C) of the Outer Con-
23 tinental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C));
24 or

1 (2) entered into an agreement with the Sec-
2 retary to modify the terms of all covered leases of
3 the lessee or other person to include limitations on
4 royalty relief based on market prices that are equal
5 to or less than the price thresholds described in
6 clauses (v) through (vii) of section 8(a)(3)(C) of the
7 Outer Continental Shelf Lands Act (43 U.S.C.
8 1337(a)(3)(C)).

9 (c) DEFINITIONS.—In this section—

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

13 (A) in existence on the date of enactment
14 of this Act;

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

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

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

4 (3) NEW LEASE.—The term “new lease” means
5 a lease issued in a lease sale under this title or the
6 amendments made by this title.



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

Paul R. Sabey

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**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. LABRADOR OF IDAHO**

At the end of title XVII add the following:

**1 Subtitle D—Promotion of Timely
2 Exploration for Geothermal Re-
3 sources**

4 SEC. 17801. SHORT TITLE.

5 This subtitle may be cited as the “Exploring for Geo-
6 thermal Energy on Federal Lands Act”.

**7 SEC. 17802. GEOTHERMAL EXPLORATION NOTICE AND EX-
8 CLUSION.**

9 (a) DEFINITION OF GEOTHERMAL EXPLORATION
10 TEST PROJECT.—In this section the term “geothermal ex-
11 ploration test project” means the drilling of a well to test
12 or explore for geothermal resources on lands leased by the
13 Department of the Interior for the development and pro-
14 duction of geothermal resources, that—

15 (1) is carried out by the holder of the lease;

16 (2) causes—

17 (A) less than 5 acres of soil or vegetation
18 disruption at the location of each geothermal
19 exploration well; and

1 (B) not more than an additional 5 acres of
2 soil or vegetation disruption during access or
3 egress to the test site;

4 (3) is developed—

5 (A) no deeper than 2,500 feet;

6 (B) less than 8 inches in diameter;

7 (C) in a manner that does not require off-
8 road motorized access other than to and from
9 the well site along an identified off-road route
10 for which notice is provided to the Secretary of
11 the Interior under subsection (c);

12 (D) without construction of new roads
13 other than upgrading of existing drainage cross-
14 ings for safety purposes; and

15 (E) with the use of rubber-tired digging or
16 drilling equipment vehicles;

17 (4) is completed in less than 45 days, including
18 the removal of any surface infrastructure from the
19 site; and

20 (5) requires the restoration of the project site
21 within 3 years to approximately the condition that
22 existed at the time the project began, unless the site
23 is subsequently used as part of energy development
24 on the lease.

1 (b) NEPA EXCLUSION.—Section 102(2)(C) of the
2 National Environmental Policy Act of 1969 (42 U.S.C.
3 4332(2)(C)) shall not apply with respect to a project that
4 the Secretary of the Interior determines under subsection
5 (c) is a geothermal exploration test project.

6 (c) NOTICE OF INTENT; REVIEW AND DETERMINA-
7 TION.—

8 (1) REQUIREMENT TO PROVIDE NOTICE.—A
9 leaseholder intending to carry out a geothermal ex-
10 ploration test project shall provide notice to the Sec-
11 retary of the Interior not later than 30 days prior
12 to the start of drilling under the project.

13 (2) REVIEW OF PROJECT.—The Secretary shall
14 by not later than 10 days after receipt of a notice
15 of intent under paragraph (1) from a leaseholder—

16 (A) review the project described in the no-
17 tice and determine whether it is a geothermal
18 exploration test project under subsection (a);
19 and

20 (B) notify the leaseholder—

21 (i) that under subsection (b) of this
22 section, section 102(2)(C) of the National
23 Environmental Policy Act of 1969 (42
24 U.S.C. 4332(2)(C)) does not apply to the
25 project; or

1 (ii) that section 102(2)(C) of the Na-
2 tional Environmental Policy Act of 1969
3 (42 U.S.C. 4332(2)(C)) applies to the
4 project, including clear and detailed find-
5 ings on any deficiencies in the project that
6 preclude the application of subsection (b)
7 of this section to the project.

8 (3) OPPORTUNITY TO REMEDY.—If the Sec-
9 retary provides notice under paragraph (2)(B)(ii)
10 that section 102(2)(C) of the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C))
12 applies to the project, the Secretary shall provide the
13 leaseholder an opportunity to remedy the deficiencies
14 described in the notice prior to the date the lease-
15 holder intended to start of drilling under the project.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. SCALISE OF LOUISIANA**

At the end of the bill, add the following (and conform the table of contents accordingly):

1 **TITLE XVIII—RESTORE ACT**

2 **SECTION 18001. SHORT TITLE.**

3 This title may be cited as the “Resources and Eco-
4 systems Sustainability, Tourist Opportunities, and Re-
5 vived Economies of the Gulf Coast States Act of 2012”.

6 **SEC. 18002. FINDINGS.**

7 Congress finds that—

8 (1) as a result of decades of oil and gas devel-
9 opment in the Gulf of Mexico, producing and non-
10 producing States in the Gulf Coast region have
11 borne substantial risks of environmental damage and
12 economic harm, all of which culminated with the ex-
13 plosion on, and sinking of, the mobile offshore drill-
14 ing unit *Deepwater Horizon*;

15 (2) the discharge of oil in the Gulf of Mexico
16 that began following the explosion on, and sinking
17 of, the mobile offshore drilling unit *Deepwater Hori-*
18 *zon* has caused substantial environmental destruc-

1 tion and economic harm to the people and commu-
2 nities of the Gulf Coast region;

3 (3)(A) in the report entitled “America’s Gulf
4 Coast—A Long Term Recovery Plan after the Deep-
5 water Horizon Oil Spill”, the Secretary of the Navy
6 stated, “Together, the Gulf’s tourism and commer-
7 cial and recreational fishing industries contribute
8 tens of billions of dollars to the [United States]
9 economy. More than 90 percent of the [N]ation’s
10 offshore crude oil and natural gas is produced in the
11 Gulf, and the [F]ederal treasury receives roughly
12 \$4.5 billion dollars every year from offshore leases
13 and royalties. And it is in the Gulf of Mexico that
14 nearly one third of seafood production in the conti-
15 nental [United States] is harvested. America needs
16 a healthy and resilient Gulf Coast, one that can sup-
17 port the diverse economies, communities, and cul-
18 tures of the region.”;

19 (B) to address the needs of the Gulf Coast re-
20 gion, the Secretary of the Navy stated, “It is rec-
21 ommended that the President urge Congress to pass
22 legislation that would dedicate a significant amount
23 of any civil penalties recovered under the [Federal
24 Water Pollution Control Act] from parties respon-

1 sible for the *Deepwater Horizon* oil spill to those di-
2 rectly impacted by that spill.”; and

3 (C) to mitigate local challenges and help restore
4 the resiliency of communities adversely affected by
5 the spill, the Secretary of the Navy stated that the
6 legislation described in subparagraph (B) should
7 “[b]uild economic development strategies around
8 community needs, and take particular efforts to ad-
9 dress the needs of disadvantaged, underserved, and
10 resource constrained communities”;

11 (4) in a final report to the President, the Na-
12 tional Commission on the BP Deepwater Horizon
13 Oil Spill and Offshore Drilling—

14 (A) stated, “Estimates of the cost of Gulf
15 restoration, including but not limited to the
16 Mississippi Delta, vary widely, but according to
17 testimony before the Commission, full restora-
18 tion of the Gulf will require \$15 billion to \$20
19 billion: a minimum of \$500 million annually for
20 30 years.”; and

21 (B) like the Secretary of the Navy, rec-
22 ommended that, to meet the needs described in
23 subparagraph (A), a substantial portion of ap-
24 plicable penalties under the Federal Water Pol-
25 lution Control Act (33 U.S.C. 1251 et seq.) be

1 dedicated to long-term restoration of the Gulf
2 of Mexico;

3 (5) taking into account the risks borne by Gulf
4 Coast States for decades of oil and gas development
5 and the environmental degradation suffered by the
6 Gulf Coast region, the amounts received by the
7 United States as payment of administrative, civil, or
8 criminal penalties in connection with the explosion
9 on, and sinking of, the mobile offshore drilling unit
10 *Deepwater Horizon* should be expended—

11 (A) to restore the natural resources, eco-
12 systems, fisheries, marine and wildlife habitats,
13 beaches, barrier islands, dunes, coastal wet-
14 lands, and economy of the Gulf Coast; and

15 (B) to address the associated economic
16 harm suffered by the people and communities
17 of the region;

18 (6) the projects and programs authorized by
19 this title and the amendments made by this title
20 should be carried out pursuant to contracts awarded
21 in a manner that provides a preference to individuals
22 and entities that reside in, are headquartered in, or
23 are principally engaged in business in a Gulf Coast
24 State; and

1 (7) Federal, State, and local officials should
2 seek—

3 (A) to leverage the financial resources
4 made available under this title; and

5 (B) to the maximum extent practicable, to
6 ensure that projects funded pursuant to this
7 title complement efforts planned or in operation
8 to revitalize the natural resources and economic
9 health of the Gulf Coast region.

10 **SEC. 18003. GULF COAST RESTORATION TRUST FUND.**

11 (a) ESTABLISHMENT.—There is established in the
12 Treasury of the United States a trust fund to be known
13 as the “Gulf Coast Restoration Trust Fund” (referred to
14 in this section as the “Trust Fund”), consisting of such
15 amounts as are deposited in the Trust Fund under this
16 section or any other provision of law.

17 (b) TRANSFERS.—The Secretary of the Treasury
18 shall deposit in the Trust Fund an amount equal to 80
19 percent of all administrative and civil penalties paid by
20 responsible parties after the date of enactment of this title
21 in connection with the explosion on, and sinking of, the
22 mobile offshore drilling unit *Deepwater Horizon* pursuant
23 to a court order, negotiated settlement, or other instru-
24 ment in accordance with section 311 of the Federal Water
25 Pollution Control Act (33 U.S.C. 1321).

1 (c) EXPENDITURES.—Amounts in the Trust Fund,
2 including interest earned on advances to the Trust Fund
3 and proceeds from investment under subsection (d), shall
4 be available, pursuant to a future Act of Congress enacted
5 after the date of enactment of this Act—

6 (1) for expenditure to restore the Gulf Coast re-
7 gion from the *Deepwater Horizon* oil spill for under-
8 taking projects and programs in the Gulf Coast re-
9 gion that would restore and protect the natural re-
10 sources, ecosystems, fisheries, marine and wildlife
11 habitats, beaches, coastal wetlands, and economy of
12 the Gulf Coast region; and

13 (2) solely to Gulf Coast States and coastal po-
14 litical subdivisions to restore the ecosystems and
15 economy of the Gulf Coast region.

16 (d) INVESTMENT.—Amounts in the Trust Fund shall
17 be invested in accordance with section 9702 of title 31,
18 United States Code, and any interest on, and proceeds
19 from, any such investment shall be available for expendi-
20 ture in accordance with this section.

21 (e) DEFINITIONS.—In this section:

22 (1) COASTAL POLITICAL SUBDIVISION.—The
23 term “coastal political subdivision” means any local
24 political jurisdiction that is immediately below the
25 State level of government, including a county, par-

1 ish, or borough, with a coastline that is contiguous
2 with any portion of the United States Gulf of Mex-
3 ico.

4 (2) *DEEPWATER HORIZON OIL SPILL*.—The
5 term “*Deepwater Horizon* oil spill” means the blow-
6 out and explosion of the mobile offshore drilling unit
7 *Deepwater Horizon* that occurred on April 20, 2010,
8 and resulting hydrocarbon releases into the environ-
9 ment.

10 (3) *GULF COAST REGION*.—The term “Gulf
11 Coast region” means—

12 (A) in the Gulf Coast States, the coastal
13 zones (as that term is defined in section 304 of
14 the Coastal Zone Management Act of 1972 (16
15 U.S.C. 1453)) that border the Gulf of Mexico;

16 (B) any adjacent land, water, and water-
17 sheds, that are within 25 miles of those coastal
18 zones of the Gulf Coast States; and

19 (C) all Federal waters in the Gulf of Mex-
20 ico.

21 (4) *GULF COAST STATE*.—The term “Gulf
22 Coast State” means any of the States of Alabama,
23 Florida, Louisiana, Mississippi, and Texas.



PART B—TEXT OF AMENDMENTS MADE IN ORDER

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

Parrot

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY Mr. Issa**

Page 913, strike line 6 and all that follows through page 915, line 14, and insert the following:

1 **SEC. 16002. RETIREMENT CONTRIBUTIONS.**

2 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

3 (1) INDIVIDUAL CONTRIBUTIONS.—Section
4 8334(c) of title 5, United States Code, is amended—

5 (A) by striking “(c) Each” and inserting
6 “(c)(1) Each”; and

7 (B) by adding at the end the following:

8 “(2)(A) Notwithstanding any other provision of this
9 subsection, the applicable percentage of basic pay under
10 this subsection shall, for purposes of computing an
11 amount—

12 “(i) for a period in calendar year 2013, 2014,
13 or 2015, be equal to the applicable percentage under
14 this subsection for the preceding calendar year (in-
15 cluding as increased under this paragraph), plus an
16 additional 0.5 percentage point; and

17 “(ii) for a period in any calendar year after
18 2015, be equal to the applicable percentage under

1 this subsection for calendar year 2015 (as deter-
2 mined under clause (i)).

3 “(B)(i) Notwithstanding subsection (a)(2), any ex-
4 cess contributions under subsection (a)(1)(A) (including
5 the portion of any deposit under this subsection allocable
6 to excess contributions) shall, if made by an employee of
7 the United States Postal Service or the Postal Regulatory
8 Commission, be deposited to the credit of the Postal Serv-
9 ice Fund under section 2003 of title 39, rather than the
10 Civil Service Retirement and Disability Fund.

11 “(ii) For purposes of this subparagraph, the term ‘ex-
12 cess contributions’ means, with respect to an employee of
13 the United States Postal Service or the Postal Regulatory
14 Commission, the amount by which—

15 “(I) deductions from basic pay of such em-
16 ployee which are made under subsection (a)(1)(A),
17 exceed

18 “(II) deductions from basic pay of such em-
19 ployee which would have been so made if subpara-
20 graph (A) had not been enacted.”.

21 (2) GOVERNMENT CONTRIBUTIONS.—Section
22 8334(a)(1)(B) of title 5, United States Code, is
23 amended—

1 (A) in clause (i), by striking “Except as
2 provided in clause (ii),” and inserting “Except
3 as provided in clause (ii) or (iii),”; and

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

5 “(iii) The amount to be contributed under clause (i)
6 shall, with respect to any period in any year beginning
7 after December 31, 2012, be determined as if subsection
8 (c)(2) had not been enacted.”.

9 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

10 (1) INDIVIDUAL CONTRIBUTIONS.—Section
11 8422(a)(3) of title 5, United States Code, is amend-
12 ed—

13 (A) by striking “(3) The” and inserting
14 “(3)(A) The”; and

15 (B) by adding at the end the following:

16 “(B) Notwithstanding any other provision of this
17 paragraph, the applicable percentage under this para-
18 graph shall, for purposes of computing any amount—

19 “(i) for a period in calendar year 2013, 2014,
20 or 2015, be equal to the applicable percentage under
21 this paragraph for the preceding calendar year (in-
22 cluding as increased under this subparagraph, if ap-
23 plicable), plus an additional 0.5 percentage point;
24 and

1 “(ii) for a period in any calendar year after
2 2015, be equal to the applicable percentage under
3 this paragraph for calendar year 2015 (as deter-
4 mined under clause (i)).”.

5 (2) GOVERNMENT CONTRIBUTIONS.—Section
6 8423(a)(2) of title 5, United States Code, is amend-
7 ed—

8 (A) by striking “(2)” and inserting
9 “(2)(A)”; and

10 (B) by adding at the end the following:

11 “(B)(i) For purposes of any period in any year begin-
12 ning after December 31, 2012, the normal-cost percentage
13 under this subsection shall be determined and applied as
14 if section 8422(a)(3)(B) had not been enacted, subject to
15 clauses (ii) and (iii).

16 “(ii) Any contributions under this subsection in ex-
17 cess of the amounts which (but for clause (i)) would other-
18 wise have been payable shall be applied toward reducing
19 the unfunded liability of the Civil Service Retirement Sys-
20 tem.

21 “(iii) After the unfunded liability of the Civil Service
22 Retirement System has been eliminated, as determined by
23 the Office, Government contributions under this sub-
24 section shall be determined and made disregarding this
25 subparagraph.

1 “(iv) The preceding provisions of this subparagraph
2 shall be disregarded for purposes of determining the con-
3 tributions payable by the United States Postal Service and
4 the Postal Regulatory Commission.”.

Page 917, after line 4, insert the following new sub-
section (and make all necessary conforming changes):

5 (c) GOVERNMENT CONTRIBUTIONS.—Section
6 8423(a)(2)(B) (as added by section 16002(b)) is amended
7 in clause (i) by striking “section 8422(a)(3)(B)” and in-
8 serting “subparagraphs (B) and (C) of section
9 8422(a)(3)”.



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

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**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. LYNCH OF MASSACHUSETTS**

Page 915, after line 14, insert the following:

1 (c) EFFECT OF A PAY FREEZE.—

2 (1) IN GENERAL.—Notwithstanding any other
3 provision of this section, if, in calendar year 2013 or
4 any subsequent calendar year, rates of basic pay are
5 not increased by reason of section 147 of the Con-
6 tinuing Appropriations Act, 2011 (hereinafter in this
7 subsection referred to as a “pay-freeze year”), indi-
8 vidual and Government contributions under the pro-
9 visions of law amended by this section shall be deter-
10 mined in accordance with the following:

11 (A) In any calendar year after 2012 which
12 is a pay-freeze year, individual and Government
13 retirement contributions shall be determined
14 under the provisions of law which applied in the
15 last year which was not a pay-freeze year.

16 (B) Beginning in the first year following a
17 pay-freeze year (or, in the case of a series of
18 pay-freeze years, the last of them), individual
19 and Government contributions shall be deter-

1 mined under applicable provisions of law (as
2 amended by this section)—

3 (i) applying the percentages which
4 would otherwise have applied in the pay-
5 freeze year (or, in the case of a series of
6 pay-freeze years, the first of them); and

7 (ii) determining the percentages for
8 subsequent years accordingly.

9 (2) EXCEPTION.—Nothing in paragraph (1)
10 shall affect the application of the amendments made
11 by subsections (a) and (b) with respect to the indi-
12 vidual or Government contributions payable in the
13 case of Members of Congress (as defined by sections
14 8331 and 8401 of title 5, United States Code).



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

1910

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 7
OFFERED BY MR. NUGENT OF FLORIDA**

At the end of title XVI (page 925, after line 21),
add the following new section:

**1 SEC. 16007. GRANTING MEMBERS OF CONGRESS THE OP-
2 TION TO DECLINE CERTAIN BENEFITS.**

3 (a) FEDERAL EMPLOYEES RETIREMENT SYSTEM
4 OPT OUT.—Section 8401(20) of title 5, United States
5 Code, is amended by striking “, and who” and all that
6 follows through “2004”.

7 (b) THIRIFT SAVINGS PLAN AGENCY CONTRIBUTION
8 OPT OUT.—Section 8432(e) of such title is amended by
9 adding at the end the following:

10 “(4)(A) Notwithstanding any other provision of
11 this subsection, contributions under paragraphs (1)
12 through (3) may not be made in the case of any
13 Member who makes an election under subparagraph
14 (B).

15 “(B) Any Member may, by written notice to the
16 official by whom such Member is paid, elect not to
17 receive contributions under this subsection. An elec-
18 tion under this subparagraph—

1 “(i) shall be effective with respect to pay
2 periods beginning on or after the date on which
3 such election is made; and
4 “(ii) shall be irrevocable.”.



House Calendar No. _____

112TH CONGRESS
2^D SESSION

H. RES. _____

Report No. 112-_____

Providing for consideration of the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes; providing for consideration of the bill (H.R. 3813) to amend title 5, United States Code, to secure the annuities of Federal civilian employees, and for other purposes; and providing for consideration of the bill (H.R. 7) to authorize funds for Federal-aid highway, public transportation, and highway and motor carrier safety programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2012

Mr. WEBSTER, 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. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes; providing for consideration of the bill (H.R. 3813) to amend title 5, United States Code, to secure the annuities of Federal civilian employees, and for other purposes; and providing for consideration of the bill (H.R. 7) to authorize funds for Federal-aid highway, public transportation, and high-

way and motor carrier safety programs, and for other purposes.

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. 3408) to set clear rules for the de-
6 velopment of United States oil shale resources, to promote
7 shale technology research and development, and for other
8 purposes. The first reading of the bill shall be dispensed
9 with. All points of order against consideration of the bill
10 are waived. General debate shall be confined to the bill
11 and shall not exceed one hour, with 40 minutes equally
12 divided and controlled by the chair and ranking minority
13 member of the Committee on Natural Resources and 20
14 minutes equally divided and controlled by the chair and
15 ranking minority member of the Committee on Energy
16 and Commerce. After general debate the bill shall be con-
17 sidered for amendment under the five-minute rule. In lieu
18 of the amendment in the nature of a substitute rec-
19 ommended by the Committee on Natural Resources now
20 printed in the bill, an amendment in the nature of a sub-
21 stitute consisting of the text of titles XIV and XVII of
22 Rules Committee Print 112-14 shall be considered as
23 adopted in the House and in the Committee of the Whole.
24 The bill, as amended, shall be considered as the original

1 bill for the purpose of further amendment under the five-
2 minute rule and shall be considered as read. All points
3 of order against provisions in the bill, as amended, are
4 waived. No further amendment to the bill, as amended,
5 shall be in order except those printed in part A of the
6 report of the Committee on Rules accompanying this reso-
7 lution. Each such further amendment may be offered only
8 in the order printed in the report, may be offered only
9 by a Member designated in the report, shall be considered
10 as read, shall be debatable for the time specified in the
11 report equally divided and controlled by the proponent and
12 an opponent, shall not be subject to amendment, and shall
13 not be subject to a demand for division of the question
14 in the House or in the Committee of the Whole. All points
15 of order against such further amendments are waived. At
16 the conclusion of consideration of the bill for amendment
17 the Committee shall rise and report the bill, as amended,
18 to the House with such further amendments as may have
19 been adopted. The previous question shall be considered
20 as ordered on the bill, as amended, and any further
21 amendment thereto to final passage without intervening
22 motion except one motion to recommit with or without in-
23 structions.

24 SEC. 2. At any time after the adoption of this resolu-
25 tion the Speaker may, pursuant to clause 2(b) of rule

1 XVIII, declare the House resolved into the Committee of
2 the Whole House on the state of the Union for consider-
3 ation of the bill (H.R. 3813) to amend title 5, United
4 States Code, to secure the annuities of Federal civilian
5 employees, and for other purposes. The first reading of
6 the bill shall be dispensed with. All points of order against
7 consideration of the bill are waived. General debate shall
8 be confined to the bill and shall not exceed one hour equal-
9 ly divided and controlled by the chair and ranking minor-
10 ity member of the Committee on Oversight and Govern-
11 ment Reform. After general debate the bill shall be consid-
12 ered for amendment under the five-minute rule. In lieu
13 of the amendment in the nature of a substitute rec-
14 ommended by the Committee on Oversight and Govern-
15 ment Reform now printed in the bill, an amendment in
16 the nature of a substitute consisting of the text of title
17 XVI of Rules Committee Print 112-14 shall be considered
18 as adopted in the House and in the Committee of the
19 Whole. The bill, as amended, shall be considered as the
20 original bill for the purpose of further amendment under
21 the five-minute rule and shall be considered as read. All
22 points of order against provisions in the bill, as amended,
23 are waived. No further amendment to the bill, as amended,
24 shall be in order except those printed in part B of the
25 report of the Committee on Rules accompanying this reso-

1 lution. Each such further amendment may be offered only
2 in the order printed in the report, may be offered only
3 by a Member designated in the report, shall be considered
4 as read, shall be debatable for the time specified in the
5 report equally divided and controlled by the proponent and
6 an opponent, shall not be subject to amendment, and shall
7 not be subject to a demand for division of the question
8 in the House or in the Committee of the Whole. All points
9 of order against such further amendments are waived. At
10 the conclusion of consideration of the bill for amendment
11 the Committee shall rise and report the bill, as amended,
12 to the House with such further amendments as may have
13 been adopted. The previous question shall be considered
14 as ordered on the bill, as amended, and any further
15 amendment thereto to final passage without intervening
16 motion except one motion to recommit with or without in-
17 structions.

18 SEC. 3. At any time after the adoption of this resolu-
19 tion the Speaker may, pursuant to clause 2(b) of rule
20 XVIII, declare the House resolved into the Committee of
21 the Whole House on the state of the Union for consider-
22 ation of the bill (H.R. 7) to authorize funds for Federal-
23 aid highway, public transportation, and highway and
24 motor carrier safety programs, and for other purposes.
25 The first reading of the bill shall be dispensed with. All

1 points of order against consideration of the bill are waived.
2 In lieu of the amendment in the nature of a substitute
3 recommended by the Committee on Transportation and
4 Infrastructure now printed in the bill, an amendment in
5 the nature of a substitute consisting of the text of titles
6 I through XIII and title XV of Rules Committee Print
7 112-14 shall be considered as adopted in the House and
8 in the Committee of the Whole. General debate shall be
9 confined to the bill, as amended, and shall not exceed one
10 hour equally divided and controlled by the chair and rank-
11 ing minority member of the Committee on Transportation
12 and Infrastructure. After general debate, the Committee
13 of the Whole shall rise without motion. No further consid-
14 eration of the bill shall be in order except pursuant to a
15 subsequent order of the House.

16 SEC. 4. In preparing an amendment in the nature
17 of a substitute to be adopted pursuant to this resolution,
18 the Clerk shall retain the title and section designations
19 as they appear in Rules Committee Print 112-14.

20 SEC. 5. In the engrossment of a measure addressed
21 by the first or second section of this resolution, the Clerk
22 is authorized to make technical and conforming changes
23 to amendatory instructions.

24 SEC. 6. (a) In the engrossment of H.R. 7, the Clerk
25 shall—

1 (1) await the disposition of H.R. 3408 and H.R.
2 3813;

3 (2) add the respective texts of H.R. 3408 and H.R.
4 3813, as passed by the House, to H.R. 7, retaining the
5 title and section designations as they appear in Rules
6 Committee Print 112-14 to the extent possible;

7 (3) conform the title of H.R. 7 to reflect the addition
8 of the text of H.R. 3408 or H.R. 3813, as passed by the
9 House, to the engrossment;

10 (4) assign appropriate designations to provisions
11 within the engrossment; and

12 (5) conform provisions for short titles within the en-
13 grossment.

14 (b) Upon the addition of the text of H.R. 3408 or
15 H.R. 3813, as passed by the House, to the engrossment
16 of H.R. 7, H.R. 3408 or H.R. 3813 (as the case may be)
17 shall be laid on the table.

18 SEC. 7. The chair of each of the following committees
19 is authorized, on behalf of the respective committee, to file
20 a supplemental report to accompany any of the following
21 measures:

22 (a) Natural Resources, with respect to H.R. 3407,
23 3408, and 3410;

24 (b) Ways and Means, with respect to H.R. 3864; and

1 (c) Oversight and Government Reform, with respect
2 to H.R. 3813.