

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 538) TO FACILITATE THE DEVELOPMENT OF ENERGY ON INDIAN LANDS BY REDUCING FEDERAL REGULATIONS THAT IMPEDE TRIBAL DEVELOPMENT OF INDIAN LANDS, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 702) TO ADAPT TO CHANGING CRUDE OIL MARKET CONDITIONS

OCTOBER 7, 2015.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 466]

The Committee on Rules, having had under consideration House Resolution 466, by a nonrecord vote, 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. 538, the Native American Energy Act, 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 Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-30 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments 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 rule provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 702, to adapt to changing crude oil market conditions, 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 Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–29 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments 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 with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 538 includes a waiver of clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on Natural Resources was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 538 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 538 printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 702, 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 to H.R. 702 made in order as original text includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Although the resolution waives all points of order against the amendments to H.R. 702 printed in part B of 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. 112

Motion by Mr. McGovern to report open rules for H.R. 702 & H.R. 538. Defeated: 1–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx		Ms. Slaughter	
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	
Mr. Burgess	Nay	Mr. Polis	
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne			
Mr. Newhouse	Nay		
Mr. Sessions, Chairman	Nay		

SUMMARY OF THE AMENDMENTS TO H.R. 538 IN PART A MADE IN ORDER

1. Young, Don (AK): MANAGER'S Clarifies that a state, tribes, and local governments in an affected area of a proposed federal action on Indian lands may continue as provided under current law to comment on an environmental impact statement required under the National Environmental Policy Act, and that Section 4 shall not limit any public comment on a federal action concerning gaming on Indian lands under the Indian Gaming Regulatory Act. (10 minutes)

2. Lujan Grisham (NM): Allows the Forest Service to create a pilot program that would execute contracts with tribes to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 702 IN PART B MADE IN ORDER

1. Amash (MI): Strikes section 6 and its related findings in section 1. The amendment removes the provision increasing the authorization of appropriations for the Maritime Security Fleet. (10 minutes)

2. Delaney (MD), Curbelo (FL), Gibson (NY): Adds an additional finding that the United States has reduced its oil consumption over the past decade, and increasing investment in clean energy technology and energy efficiency will lower energy prices, reduce greenhouse gas emissions and increase national security. (10 minutes)

3. Huffman (CA): Requires the Secretary of the Energy to complete a study on the net greenhouse gas emissions that will result from the repeal of the crude oil export ban. (10 minutes)

4. Lawrence (MI): Requires a study of the State of national implications of lifting the crude oil export ban with respect to consumers and the economy. (10 minutes)

5. Messer, Luke (IN), Lowenthal (CA): Ensures the Administration is able to ban the export of crude oil to state sponsors of terrorism. (10 minutes)

6. Messer, Luke (IN): Prohibits the export of crude oil, refined petroleum products, and petrochemical products to the Islamic Republic of Iran. (10 minutes)

7. Cuellar (TX): Provides the Department of Energy authority to continue developing partnerships in the areas of oil and gas exploration, production, midstream, and refining with minority serving institutions, including Hispanic Serving Institutions and Historically Black Colleges and Universities. The Amendment would encourage public private partnerships between the Department of Energy and minority serving institutions. (10 minutes)

8. Garamendi (CA): Inserts safeguards to protect against the rise of domestic oil prices significantly above world market levels, as well as the decline of domestic oil refinery capacity. (10 minutes)

9. Jackson Lee (TX): Requires the lifted ban to be assessed after 10 years and directs the Secretaries of Energy and Commerce to work together to review the impact of lifting the ban as it relates to promoting U.S. energy and national security and report their findings to Congress. (10 minutes)

10. Jackson Lee (TX): Directs the Secretaries of Energy and Commerce to work together and submit a report within 180 days on how lifting the ban on crude oil exports will help create opportunities for veterans and women in the U.S., while promoting energy and national security. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 538 MADE IN ORDER

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

Page 4, strike lines 9 through 15, and insert the following:

“(1) REVIEW AND COMMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the statement required under subsection (a)(2)(C) for a major Federal action regarding an activity on Indian lands of an Indian tribe shall only be available for review and comment by the members of the Indian tribe, other individuals residing within the affected area, and State, federally recognized tribal, and local governments within the affected area.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a statement for a major Federal action regarding an activity on Indian lands of an Indian tribe related to gaming under the Indian Gaming Regulatory Act.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJAN GRISHAM OF NEW MEXICO OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, after line 6, insert the following:

“**SEC. 4. TRIBAL FOREST MANAGEMENT DEMONSTRATION PROJECT.**

“The Secretary of the Interior and the Secretary of Agriculture may carry out demonstration projects by which federally recognized Indian tribes or tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.)

through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”.

PART B—TEXT OF AMENDMENTS TO H.R. 702 MADE IN ORDER

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

Page 2, lines 3 through 15, strike paragraphs (5) and (6).
Page 3, line 18, through page 4, line 21, strike section 6.

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

Page 2, after line 15, insert the following:

(7) The United States has reduced its oil consumption over the past decade, and increasing investment in clean energy technology and energy efficiency will lower energy prices, reduce greenhouse gas emissions, and increase national security.

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

Page 3, line 4, insert “(a) STRATEGIC PETROLEUM RESERVE” before “Not later than”.

Page 3, after line 10, insert the following:

(b) GREENHOUSE GAS EMISSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall conduct, and transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of, a study on the net greenhouse gas emissions that will result from the repeal of the crude oil export ban under section 2.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAWRENCE OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 4, insert “(a) STRATEGIC PETROLEUM RESERVE STUDY.—” before “Not later than”.

Page 3, after line 10, insert the following:

(b) CRUDE OIL EXPORT STUDY.—

(1) IN GENERAL.—The Department of Commerce, in consultation with the Department of Energy, and other departments as appropriate, shall conduct a study of the State and national implications of lifting the crude oil export ban with respect to consumers and the economy.

(2) CONTENTS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the economic impact that exporting crude oil will have on the economy of the United States;

(B) the economic impact that exporting crude oil will have on consumers, taking into account impacts on energy prices;

(C) the economic impact that exporting crude oil will have on domestic manufacturing, taking into account impacts on employment; and

(D) the economic impact that exporting crude oil will have on the refining sector, taking into account impacts on employment.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Bureau of Industry and Security shall submit to Congress a report containing the results of the study conducted under paragraph (1).

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

Page 3, line 15, strike “or”.

Page 3, line 17, after “(42 U.S.C. 6271 et seq.)” insert the following: “, the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a foreign government that is designated as a state sponsor of terrorism,”.

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

Add at the end the following:

SEC. 7. PROHIBITION ON EXPORTS OF CRUDE OIL, REFINED PETROLEUM PRODUCTS, AND PETROCHEMICAL PRODUCTS TO THE ISLAMIC REPUBLIC OF IRAN.

Nothing in this Act shall be construed to authorize the export of crude oil, refined petroleum products, and petrochemical products by or through any entity or person, wherever located, subject to the jurisdiction of the United States to any entity or person located in, subject to the jurisdiction of, or sponsored by the Islamic Republic of Iran.

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

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

SEC. 7. PARTNERSHIPS WITH MINORITY SERVING INSTITUTIONS.

(a) IN GENERAL.—The Department of Energy shall continue to develop and broaden partnerships with minority serving institutions, including Hispanic Serving Institutions (HSI) and Historically Black Colleges and Universities (HBCUs) in the areas of oil and gas exploration, production, midstream, and refining.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Department of Energy shall encourage public Private partnerships between the energy sector and minority serving institutions, including Hispanic Serving Institutions and Historically Black Colleges and Universities.

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

At the end of the bill add the following:

SEC. 7. NATIONAL INTEREST PROTECTION.

If the Secretary of Commerce finds that exporting crude oil under authority of this Act has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment or reduced domestic crude oil refinery capacity effects in the United States relative to current employment and capacity levels as of the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate actions reducing exports of this crude oil, which may include modifying or revoking authority to export such crude oil.

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

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

SEC. 7. REPORT.

Not later than 10 years after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report that reviews the impact of lifting the oil export ban under this Act as it relates to promoting United States energy and national security.

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

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

SEC. 7. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report analyzing how lifting the ban on crude oil exports will help create opportunities for veterans and women in the United States, while promoting energy and national security.