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CLEAR Act Exploits Gulf Oil Crisis, Contains Numerous Items Unrelated to Spill

Despite reports that the latest version of the CLEAR Act (H.R. 3534) is a “slimmed-down” bill, it still contains numerous provisions that are completely unrelated to the Gulf oil spill or reforms to offshore drilling.

[Democrats have publically admitted](#) to using the oil spill as a political opportunity to pass unrelated items. For example, Rep. Jay Inslee tried to attach an unrelated geothermal energy provision to the bill, explaining: **“This is a really nice train leaving the station and probably the only one during this Congress.”**

Instead of exploiting the spill, Congress should focus on addressing the crisis at hand - permanently stopping the leak, cleaning up the oil, assisting Gulf Coast communities, holding BP 100% accountable, and getting answers as to what went wrong.

The latest version of the CLEAR Act is still weighed down by unrelated baggage:

- **Authorizing \$30 Billion in New, Mandatory Spending for Unrelated Programs**
The bill includes over \$30 billion in new mandatory spending for two programs that have nothing to do with the oil spill (the Land and Water Conservation Fund and the Historic Preservation Fund). In the version of the bill headed to the House floor, Democrats added brand new language that expressly allows this \$30 billion to be earmarked by the Appropriations Committee.
- **Establishing a New \$22 Billion Energy Tax**
The bill imposes a new energy tax (\$2 per barrel of oil or 20 cents per million Btu of natural gas) on all U.S. oil and natural gas production on federal leasing. This tax has nothing to do with the oil spill, will raise energy prices, kill American jobs, and increase our dependence on foreign oil. Furthermore, the tax only applies to U.S. oil and gas production— giving an advantage to foreign oil and hurting American energy jobs.
- **Locking up the Ocean to Fishing, Energy Production and Recreational Activities**
The CLEAR Act creates Regional OCS Planning Councils to implement Marine Spatial Planning, which is essentially zoning of the ocean. This could lead to restrictions on fishing, energy production and even onshore activities such as farming, which will kill jobs and harm our economy.
- **Federalizing Permitting in State Waters**

The bill requires the federal takeover of state authority to permit in state waters, which reverses sixty years of precedent. The mismanagement, corruption and oversight failures of the federal government are being used as justification to expand federal control by seizing management from the states.

- **Changing How Onshore Federal Land is Leased**

The bill fundamentally changes leasing onshore by the Forest Service and Bureau of Land Management, which affects not just leasing for natural gas and oil, but also for renewable energy including wind and solar. This could lead to a decline in energy production on federal land and lost energy jobs.

- **Creating a \$500 Million Slush Fund for the Interior Secretary**

The bill allows 10% of all offshore revenues – an amount possibly as high as \$500 million per year – to be spent on a new fund controlled by the Interior Secretary to issue ocean research grants (ORCA fund). There is no requirement that the fund is used for the Gulf region or anything related to oil spills or offshore drilling. These funds can be earmarked.

- **Using an Ocean Oil Spill to Penalize Onshore Oil and Gas**

Onshore energy production has absolutely nothing to do with solving the crisis in the Gulf, however the bill imposes significant changes to onshore oil and gas programs. Democrats are using the spill to push controversial reforms that have not passed on their own and are going nowhere. The end result will be a loss of jobs, a weaker economy, discouragement of energy production on federal lands and higher energy prices.

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