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Democrats' Roadblock to Energy Bill (H.R. 3534)

Edition #1: Highlighting Big Government Bureaucracy Roadblocks

On September 16th, the House Natural Resources Committee will hold its first hearing on the CLEAR Act (H.R. 3534) – a bill that throws up the following bureaucratic roadblocks on the path to American energy production and job creation:



Roadblock #1: Creating Yet Another New Federal Government Office (Sec. 101). This provision creates a detour on the path toward energy production by creating a new bureaucratic office within the Interior Department that would be responsible for all renewable and non-renewable energy and mineral leasing activities on federal land. Leasing, auditing and revenue collection are currently handled by the Bureau of Land Management (BLM) and the Mineral Management Service (MMS).

Get the Facts:

- While some politicians in Washington, D.C. believe that more government equals more progress, most Americans understand that more government equals more delay. Adding a new layer of bureaucracy to the oil and natural gas leasing process will only make the offshore energy process more confusing and less efficient. The longer the process, the longer it takes for Americans to access new energy and jobs.
- Additionally, this bill would separate leasing activities from land managers. This

separation will inherently result in miscommunication between agencies, bureaucratic delays, and a decline in the leasing activity on federal lands.

- Instead of creating a huge new government office, Congress should take steps to make the current leasing agencies more efficient.



Roadblock #2: Creating More Regional Red Tape on OCS Development (Sec. 602). This provision will delay oil and natural gas production and job creation on the U.S. Outer Continental Shelf (OCS) by adding additional steps to the already lengthy process. The bill establishes Regional Ocean Councils that could delay energy production up to four years while the councils prepare marine spatial plans to be used by the Department of the Interior in creating a 5-year lease plan.

Get the Facts:

- Public input is important, but it should happen within the existing time-frame and not be used as a tactic to delay energy production. Americans currently have numerous and repeated opportunities to offer their extensive feedback on 5-year lease plans. For example, the development of the 5-year plan requires public input from local residents regarding the Department’s initial request for information, draft proposed plan, the proposed plan and the draft environmental plan. Additionally, Members of Congress have 60 days to review the final plan.
- Creating Regional Ocean Councils adds another 4-year step to the offshore energy leasing process.
- It’s also important to remember that the Coastal Zone Management Act (CZMA) already requires the Department to ensure that all OCS oil and gas activities are consistent with a given coastal state’s science-based Coastal Zone Management Plan. New Regional Councils only create redundancy within the process.



Roadblock #3: Requiring Duplicative Reviews (Sec. 308). This provision will stall oil and natural gas production by forcing companies to do a u-turn and repeat National Environmental Protection Act (NEPA) analyses. The bill repeals the “categorical exclusion” provision in the Energy Policy Act of 2005, which allowed companies to proceed with site preparation, drilling or pipeline placement with fewer environmental regulations if a complete NEPA analysis had already been done on the land fewer than five years earlier.

Get the Facts:

- The use of categorical exclusions is a commonsense way to improve the government

process of approving energy production, while at the same time ensuring protection of the environment.

- Categorical exclusions can only be used under limited circumstances. They are designed to encourage the development of energy on land where the environmental impact is minor, the fields have already been developed, or where drilling was already analyzed in a NEPA document.
- Eliminating categorical exclusions will cause significant delays in oil and natural gas production by adding duplicative environmental reviews. This costs money, time and jobs. Rather than creating more paperwork, Congress should make it easier to produce more American energy and create more American jobs.
- NEPA analyses already take years, if not decades, to complete and often become a tool for excessive litigation to block energy production. This provision will give opponents of drilling yet another opportunity to halt oil and natural gas production through lawsuits.

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