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Statement from Representative Theodore Deutch (FL-19)
on DEUTCH_020 amendment to H.R. 1229

Mr. Chairman.

My amendment would strike section 202 of H.R. 1229, "Putting the Gulf of Mexico Back to Work Act." Section 202 would provide an exclusive venue in the 5th Circuit for civil actions relating to the leasing of Federal lands in the Gulf of Mexico for energy development, production, and exploration. By striking Section 202, my amendment would protect the ability of courts in the 11th Circuit, which includes my state of Florida and as well as Alabama, to hear these cases.

A little more than a year ago the BP Deepwater Horizon oil drilling vessel exploded in the Gulf of Mexico. Over several months, millions of gallons of oil were dumped into the Gulf. The oil spill caused irreparable damage to delicate ecosystems; damaged natural barriers that protect states along the Gulf of Mexico from deadly storm surge; and was devastating to local jobs and livelihoods along the Gulf Coast. Indeed, the oil spill caused significant harm to my state of Florida's environment and economy from which we are still recovering.

Now, the House of Representatives is bringing H.R. 1229, "Putting the Gulf of Mexico Back to Work Act" to the floor. This bill will weaken the federal agency review process of lease applications for energy development, production, and exploration in the Gulf of Mexico. In addition, the bill makes it more difficult for the courts to review leases for energy activities in the Gulf that could pose a threat to the area. Under the bill, courts also will be severally restricted in

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the type of relief they can devise to protect vulnerable areas of the Gulf Coast from a possible oil spill. While I have strong concerns with this bill's weakening of the federal agency review process on lease applications for energy activities in the Gulf, my amendment specifically addresses only the bill's unwarranted restrictions on which courts will be able to review these leases.

Section 202 of H.R. 1229 imposes an exclusive venue that restricts the courts that can hear civil cases raising issues on leases for energy activities in the Gulf of Mexico. Under this provision, litigation relating to leases on energy development, production, and exploration in the Gulf can only be filed in a district court in the 5th Circuit. Moreover, section 202 provides an exception only in cases in which "there is no proper venue in any court within that [5th] district."

As you are aware, the 5th Circuit includes the Gulf Coast states of Mississippi, Louisiana, and Texas. Yet, this exclusive venue provision excludes two states that comprise substantial Gulf coastlines - Florida and Alabama - which are in the 11th Circuit. The effect of section 202 would be to prevent the District Courts in Florida and Alabama from considering civil cases related to the issuance of leases for energy development, production, and exploration off the coastlines of these states. It is inexplicable that the courts within a state would be prohibited from considering issues involving a lease for energy development, production, and exploration that has the potential to cause irreparable environmental and economic damage to the Gulf coast area of that state.

In addition, requiring these cases to be moved from Florida or Alabama to a state within the 5th Circuit will cause substantial hardship for the parties involved in the litigation, substantial hardship for the witnesses who would need to testify, and would result in substantial costs.

Striking this exclusive venue provision would ensure that Florida and Alabama courts could hear these cases and reach a just result that is in the state's interests.

Moreover, the exception in section 202 fails to redress these very serious concerns. Under the exception, the parties involved in the litigation on leasing for energy development, production, and exploration in Florida or Alabama would first have to determine that there is no court within the 5th Circuit that would be able to consider the case. Only after it has been determined that there is no court in the 5th Circuit that could hear the case, then the parties would be permitted to file the case in a Florida or Alabama court.

Section 202 of H.R. 1229 is none other than forum shopping through legislation that will prohibit the courts in Florida and Alabama from considering and rendering a decision in lawsuits on leases for energy development, production, and exploration off their coasts. My amendment would strike this section. I urge its adoption.