

REPUBLICANS' PERMITTING REFORM IS A POLLUTER GIVEAWAY

House Republicans are moving full speed ahead with their energy package, reportedly aiming for a House floor vote by the end of March. Within the Natural Resources Committee's jurisdiction, this package includes the TAPP American Resources Act (H.R. 1335), Republicans' so-called permitting reform bill.

Simply put, "permitting reform" is Republicans' newest branding for their decades-old effort to open our public lands and waters to development and fast-track oil, gas, and mining projects by gutting environmental review and public input processes. This performative permitting reform does not address our needs for clean energy development and will only exacerbate existing injustices for communities already overburdened by pollution and climate change.

HARMFUL PROVISIONS IN REPUBLICANS' POLLUTER GIVEAWAY

REMOVES CONSIDERATION OF CLIMATE CHANGE FROM PERMITTING DECISIONS

The National Environmental Policy Act (NEPA) requires the federal government to review the environmental impacts—including climate change impacts—of proposed federal actions. This environmental review process is one of our most fundamental protections against exploitive industry projects. H.R. 1335 would codify Trump's extreme 2020 NEPA regulations to ignore the full extent of climate change impacts in environmental reviews. More than 140 members of Congress strongly opposed these regulations at the time.

MAKES MINING AND DUMPING TOXIC WASTE THE "HIGHEST AND BEST USE" OF PUBLIC LANDS

Our more than 150-year-old mining law has already created an antiquated, pro-industry mining system. H.R. 1335 will allow mining claims to be made on public lands, even if no mineral deposit has been discovered. Once that claim is made, any mining activity, including dumping toxic mining waste, will be considered the highest and best use of those lands. Anyone can stake a claim, say they are conducting mining activities, and block those public lands from any other use, like recreation, renewable energy development, or conservation, in perpetuity.

ENDORSES THE MINING INDUSTRY'S RIP-OFF OF THE AMERICAN PEOPLE

Under our outdated mining system, mining companies extract minerals from public lands without paying a cent to the American people in royalties, unlike any other extractive industry. Even the mining industry has agreed that they should help pay for the exorbitant cleanup of abandoned mines, which scar the landscape and leach toxins into soil and groundwater. Nevertheless, H.R. 1335 does not include a royalty.

LIMITS AMERICANS' ABILITY TO CHALLENGE UNLAWFUL PERMITS AND DANGEROUS PROJECTS

H.R. 1335 requires any lawsuit challenging an unlawful permit decision—including those to enforce the Clean Air Act or Clean Water Act, for example—to be filed within 120 days. This provision dramatically reduces the statute of limitations under most federal environmental and public health laws, many of which include citizen suit provisions. Communities often do not know the harmful effects of projects until well after 120 days. The bill also blocks lawsuits from anyone who did not file a comment during NEPA's public comment periods, which are also shortened by this bill.

INCREASES BIG OIL'S PROFITS AT THE AMERICAN TAXPAYERS' EXPENSE

The Inflation Reduction Act made several positive and long overdue changes to our oil and gas leasing program to ensure Americans are paid a fair share for fossil fuel extraction on public lands and waters. H.R. 1335 rolls back these reforms by reducing onshore and offshore royalties, repealing interest fees, and reinstating noncompetitive leasing, which allows fossil fuel companies to hoard low-priced public lands that almost never produce oil or gas. H.R. 1335 also forces lease sales regardless of agency discretion, greenlights almost all seismic testing, which hurts whales and other marine life, and lowers the amount of offshore drilling revenue that goes to the U.S. Treasury.

ALLOWS POLLUTERS TO CONDUCT THEIR OWN ENVIRONMENTAL REVIEWS

H.R. 1335 reverses longstanding prohibitions against private sector applicants conducting their own environmental reviews, creating obvious conflicts of interest. The bill also changes the focus of environmental reviews to "meet the goals of the [project] applicant," instead of the public's interest.