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Dissenting Views
H.R. 4383: *Streamlining Permitting of American Energy Act*

We oppose H.R. 4383 because it would unnecessarily tie the hands of the Interior Department in reviewing drilling operations on public lands and make drilling less safe. This legislation would impose arbitrary deadlines on the Interior Department's review of applications for permits to drill onshore. Just as the Majority tried to do for offshore drilling, drilling permits would be automatically "deemed approved" after 60 days if the Interior Department had not finished its review.

While the Majority has acknowledge the important role that NEPA and the Endangered Species Act play in properly reviewing drilling permits and has now included language to prevent permits from being deemed approved after 60 days in cases where reviews under those laws are ongoing, there is no requirement in the bill that would prevent permits from being deemed approved if safety reviews were incomplete. This provision is especially dangerous given that a Natural Resources Democratic staff review of drilling safety violations on public lands found that between 1998 and 2011, one-fifth of the drilling violations on public lands were related to blowout preventers or other well control equipment. Furthermore, there were more than 50 instances where an operator began drilling on federal lands without an approved permit to drill from the BLM. We should be seeking to ensure that oil companies are drilling on our public lands with the highest level of safety, not truncating the review of drilling applications.

The BLM submitted testimony stating that H.R. 4383 "would essentially strip from the BLM its ability to issue [applications for permits to drill] on important reviews and clearances – including cultural surveys and necessary tribal consultation." We oppose rushing to limit proper review of drilling permits, especially when oil companies are warehousing roughly 6,700 drilling permits that have already been approved by the Interior Department where they could be drilling immediately. In addition, oil production on federal lands onshore is higher that it was under the Bush Administration, according to an EIA review of production going back to 2003.

H.R. 4383 also includes a likely unconstitutional provision requiring any American citizen seeking to protest an oil and gas lease, drilling permit or right of way to post a nonrefundable \$5,000 "documentation fee." This is a blatant attempt to deny ordinary American citizens the

ability to contest decisions by the federal government. This section would seek to prevent people from contesting oil and gas development in areas where it may harm hunting, fishing, recreation or the other uses of our public lands.

The legislation also contains provisions designed to close the doors of the courthouse to citizens who believe the federal government is not complying with the law. While these provisions are no doubt aimed at environmental plaintiffs they would almost certainly impair the legal rights of many other potential plaintiffs, including oil and gas companies.

The Majority rejected an amendment from Representative Hanabusa (D-HI) that sought to maximize the development of renewable energy on public lands to achieve a goal of 25 percent of the electricity consumed by the federal government coming from renewable sources by the year 2025. The Majority also voted down an amendment from Representative Hanabusa that would have ensured that the bill's requirement that citizens post a nonrefundable, \$5,000 "documentation fee" would not abridge the right of the people to petition for the redress of grievances afforded by the First amendment to the Constitution. Finally, the Majority rejected an amendment from Energy and Mineral Resources Subcommittee Ranking Member Holt (D-NJ) that would have struck the language from the H.R. 4383 that would require drilling permits to be deemed approved after 60 days, which could make public lands less safe.

H.R. 4383 takes an approach that is neither warranted nor wise. We should not be seeking to limit public involvement and proper review of drilling permits, as the legislation would do, when oil production from public lands onshore has increased under the Obama Administration and the oil industry is sitting on thousands of approved permits to drill.

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