

March 29, 2023

Re: H.R. 1 Amendment Vote Recommendations

Dear Representative:

In addition to the opposition expressed in a separate letter to the base text of H.R. 1: Polluters Over People Act, the undersigned organizations, on behalf of our millions of members and supporters, write to ask you to vote in the following manner on the amendments below. While not all undersigned organizations work directly on each of these issues, we appreciate your consideration of these pro-environmental positions.

VOTE NO on the following amendments:

Amendment #1, offered by Rep. Donalds

This amendment would require the Department of Energy and the Nuclear Regulatory Commission to conduct a study to find ways to streamline permitting for nuclear and fossil fuel power plants. This study would be biased toward expediting timelines for non-renewable power generation sources and includes no safeguards to ensure public health and community input are prioritized.

Amendment #2, offered by Rep. Boebert

This amendment expresses disapproval of the denial of the Jordan Cove Project permits. If built, this LNG export terminal and fracked gas pipeline project would have risks to health and safety, climate change, environmental impacts, and landowner rights.

Amendment #3, offered by Rep. Crenshaw

This amendment would set rushed deadlines that would result in automatic approval of state Underground Injection Control programs, if EPA hasn't acted on the state application within 180 days (plus a 45 day extension). Inadequate state programs could be deemed approved automatically, and could allow groundwater and drinking water contamination or extensive leakage of CO2 into the atmosphere.

Amendment #5, offered by Rep. Hern

This amendment would oppose the commonsense proposals in President Biden's FY24 budget to repeal or modify several special tax giveaways to the fossil fuel industry. These loopholes include directly incentivizing new fossil fuel development by allowing companies to deduct the costs of drilling new wells from their taxes, allowing producers to reduce their taxes by a percentage of their income from oil and gas production, and even exempting income generated from oil and gas drilling overseas from federal taxes. Closing these loopholes would save taxpayers nearly \$31 billion over the next ten years and help to level the playing field for renewable energy technologies.

Amendment #7: offered by Rep. Jackson

EPA regulations over the decades have provided massive net benefits to our country, through reductions in energy costs for families, fewer instances of missed work or school, decreased numbers of health issues and diseases, and savings on healthcare nationwide, among other benefits. This messaging amendment requiring a biased report would distract from EPA staff contributing to their mission to safeguard human health and the environment.

Amendment #9: offered by Rep. Molinaro

This amendment requires GAO to study how a "ban" on gas appliances will affect electricity rates. It is important to note the Consumer Product Safety Commission is not banning gas stoves. The CPSC is responsible for protecting consumers from dangerous products. Fact finding from the CPSC and other government agencies is welcome to ensure homes and families are safe from the risks of gas appliances.

Amendment #10: offered by Rep. Palmer

This amendment takes aim at a Department of Energy proposal to increase the efficiency standards for all stoves (electric and gas). The proposal is based on seven years of research conducted by the department. The new standards won't go into effect for manufacturers until 2027. There are already many products on the market that meet these requirements, and nothing in the new standards is a "ban." The new standards will conserve energy and save consumers money.

Amendment #11: offered by Rep. Perry

This amendment is an attempt to protect the oil and gas industry's damaging loopholes in our environmental laws that give them free reign to pollute our air and water without being held accountable or held to the most basic transparency requirements.

Amendment #12, offered by Rep. Perry

This amendment would repeal Section 115 of the Clean Air Act, the international air pollution provision. Repealing Section 115 would remove a long-standing requirement that states act to reduce pollution from US sources that EPA determines endangers public health or welfare in another country. While there has been limited use of Section 115, numerous scholars have advocated for its usage as a pathway to reduce greenhouse gas emissions, particularly since the Paris Agreement.

Amendment #13, offered by Rep. Roy

This amendment would direct FERC to withdraw the policy statement on interstate gas pipelines and interim policy statement on policies for considering greenhouse gas emissions. The policy statement and GHG guidance reaffirm that FERC will do what is required under the law - multiple court decisions in recent years have confirmed that this sort of analysis is a core part of the agency's mission.

Amendment #15, offered by Rep. Barr

This amendment would add a series of coal waste extraction activities to the Fixing America's Surface Transportation Act (FAST-41) permitting process. Extraction projects that create perpetual acid mine drainage do not belong in abbreviated permitting schemes.

Amendment #16: offered by Rep. Boebert

This amendment is an attempt to further restrict access to the courts and hold the government accountable when impacts on the health, economy, and environment of local communities are ignored.

Amendment #17, offered by Rep. Crawford

This amendment is an attempt to prioritize pipelines over other critical infrastructure projects. It would also further promote the false argument that environmental review is the primary slowdown of infrastructure projects and misguided solutions to that manufactured problem.

Amendment #22, offered by Rep. James

This amendment would duplicate the national strategy Congress directed the Departments of Defense, Energy, and the United States Geological Survey to create in the Energy Policy Act of 2020, as is already underway. It also confuses and politicizes the methodology Congress directed USGS to create when developing their list of critical minerals.

Amendment #23, offered by Rep. LaMalfa

This amendment would essentially mean every single acre of national forest outside of roadless and wilderness, given the road density on our public lands, would be on the chopping block. If we want to prepare communities for the inevitable wildfire season, then we should work from the community-out rather than wild-in through home hardening and defensible space. Wildfire management without review, transparency, or input from affected communities is not only irresponsible, but also betrays agency duties to act in the public interest.

Amendment #24, offered by Rep. LaMalfa

This amendment is an unnecessary and arbitrary expansion of the already expansive authority given to both the

Forest Service and utility companies to deal with hazard trees. The 2018 omnibus appropriations act included a provision that established an expedited planning and notification process to reduce fire risk and improve management of electricity transmission corridors across national forest lands. The bill gave utility companies emergency authority to remove hazard trees in imminent danger of falling on a power line without prior notification of the Forest Service. Normally, companies would have to adhere to the schedule in an approved utility corridor plan. The provision also sets a \$500,000 upper limit for 10 years on the amount of strict liability damages that the agency can impose on utilities for activities that are consistent with the plan.

Amendment #28, offered by Rep. Luna

This is a bad faith amendment parroting misinformation being spread by fossil fuel-backed interests aimed at slowing the transition to the affordable clean energy economy we need to tackle the climate crisis and create good-paying jobs. The base text of H.R. 1 is focused on rolling back environmental reviews for dirty energy projects; it is hypocritical to place heightened focus on offshore wind, when BOEM is already required to perform substantial environmental reviews. BOEM must fully follow the environmental review processes already in place.

Amendment #30, offered by Rep. Ogles

This non-binding resolution would support lowering the royalty rate for oil and gas production on federal public lands and waters below the rate charged by any state, resulting in a decrease in federal and state revenue from prospective oil and gas production on federal public lands and waters by 25%.

Amendment #34, offered by Rep. Perry

We oppose the FAST-41 streamlining applying to massive extraction projects, and this amendment to focus that scheme solely on minerals that aren't used for clean energy purposes only exacerbates the issues with this approach to permitting.

Amendment #35, offered by Rep. Smith

This is a bad faith amendment parroting misinformation being spread by fossil fuel-backed interests aimed at slowing the transition to the affordable clean energy economy we need to tackle the climate crisis and create good-paying jobs. The base text of H.R. 1 is focused on rolling back environmental reviews for dirty energy projects; it is hypocritical to place heightened focus on offshore wind, when BOEM is already required to perform substantial environmental reviews. BOEM must fully follow the environmental review processes already in place.

Amendment #36, offered by Rep. Van Drew

This is a bad faith amendment parroting misinformation being spread by fossil fuel-backed interests aimed at slowing the transition to the affordable clean energy economy we need to tackle the climate crisis and create good-paying jobs. The base text of H.R. 1 is focused on rolling back environmental reviews for dirty energy projects; it is hypocritical to place heightened focus on offshore wind, when BOEM is already required to perform substantial environmental reviews. BOEM must fully follow the environmental review processes already in place.

Amendment #37, offered by Rep. Graves

This amendment grants EPA broad authority to issue fast-track permits for municipal and industrial sources of water pollution, but does not limit such authority to minimally-harmful activities, as the Clean Water Act does for other kinds of general permits. The amendment also is unclear about how it affects state authority over covered discharges and how permits can be amended or withdrawn after they're issued.

VOTE YES on the following amendments:

Amendment #14, offered by Rep. Schiff

This amendment strikes the provision that disapproves President Biden's revocation of the Presidential Permit for the dangerous Keystone XL pipeline. If built, Keystone XL would have carried 830,000 barrels per day of the dirtiest oil on the planet, threatening our climate, farmlands, critical water resources, and wildlife habitats along the pipeline's path.

Amendment #19, offered by Rep. Escobar

Sec. 20103 mandates a 60-day timeframe for resolving public protests against BLM's decisions to offer parcels of federal public land for lease to oil and gas interests. This should be stricken for two reasons: first, BLM guidance issued in November sets a 60-day target to resolve protests and, when they cannot, creates a process where oil and gas lessees can decline their purchased lease and receive a refund. Second, agencies need the time they need, and arbitrarily imposed deadlines will not change that. Instead, they result in more wasted time, litigation, and inefficiency.

Amendment #26, offered by Rep. Levin

This amendment would strike provisions in the bill that repeal long-overdue, commonsense reforms to the federal oil and gas leasing program enacted via the Inflation Reduction Act. Specifically, the IRA included a royalty rate increase from 12.5% to 16.67%, aligning it with state rates; aligned other fees to account for inflation that had been unchanged for decades; and eliminated the practice of non-competitive leasing where lands can be leased for as little as \$1.50 per acre. Together, these reforms ensure a fairer return for communities and federal taxpayers for industry's use of our shared public lands. Repealing these provisions would undo this progress and add at least \$160 million to the deficit over the next 10 years according to the CBO.

Please note: While our groups support these amendments, we will oppose passage of the underlying bill, H.R. 1, even if they are adopted. We urge all Members to oppose final passage of the bill regardless of the outcome of these amendments.

Sincerely,

Bold Alliance
Center for Biological Diversity
Change the Chamber
Chispa Texas
Clean Water Action
Climate Hawks Vote
Defenders of Wildlife
Earthjustice
Earthworks
Endangered Species Coalition
Environment America
Environmental Law & Policy Center
Food & Water Watch
Friends of the Earth
GreenLatinos
John Muir Project
League of Conservation Voters
National Parks Conservation Association
Natural Resources Defense Council
Oceana
Oil Change International
Sierra Club
Southern Utah Wilderness Alliance
Southern Environmental Law Center
Standing Trees
The Wilderness Society
U.S. PIRG
Voices for Progress