

ALCEE L. HASTINGS
23RD CONGRESSIONAL DISTRICT
FLORIDA

RULES COMMITTEE
SUBCOMMITTEE ON LEGISLATIVE
AND BUDGET PROCESS
RANKING MEMBER

UNITED STATES
HELSINKI COMMISSION
RANKING DEMOCRATIC MEMBER

FLORIDA DELEGATION
DEMOCRATIC CHAIRMAN

SENIOR DEMOCRATIC WHIP



**Congress of the United States
House of Representatives
Washington, DC 20515-0923**

PLEASE RESPOND TO:

- 2353 RAYBURN BUILDING
WASHINGTON, DC 20515-0923
TELEPHONE: (202) 225-1313
FAX: (202) 225-1171
- 2701 W. OAKLAND PARK BOULEVARD
SUITE 200
FT. LAUDERDALE, FL 33311
TELEPHONE: (954) 733-2800
FAX: (954) 735-9444
- DELRAY BEACH CITY HALL
100 NW 1ST AVENUE
DELRAY BEACH, FL 33444
TELEPHONE: (561) 243-7042
FAX: (561) 243-7327

www.alceehastings.house.gov

**Statement of the Honorable Alcee L. Hastings
On the Introduction of Amendment #11 to H.R. 4402
July 10, 2012**

Mr. Chairman, this bill is an irresponsible giveaway to the mining industry that has taken enormous profits at American taxpayer expense.

One section in particular disturbs me. Section 205 of the bill eliminates the awarding of attorneys' fees to litigants bringing successful legal challenges against certain agency actions, like the issuance of a mining permit.

Eliminating the possibility of fee-shifting makes litigation prohibitively expensive for groups and individuals that do not have the deep pockets of large corporate entities.

Indeed, the whole reason fee-shifting exists in the first place is so that a party does not have to be wealthy in order to file a lawsuit. Justice should be accessible to all, regardless of their individual financial circumstances.

Eliminating the awarding of attorney's fees means that the traditional parties for these kinds of lawsuits, such as nearby landowners, small business owners, and environmental groups, will no longer be reimbursed for the cost of successfully litigating a claim.

The only reason to eliminate this fee-shifting is to discourage parties from filing these kinds of suits.

And who is the biggest beneficiary of reducing the number of permits challenges? The permit-holding mining companies, of course.

Since litigation can be extremely expensive, these cash-strapped plaintiffs usually only bring those lawsuits with the most likelihood of success because they literally cannot afford to lose.

Eliminating the awarding of attorneys' fees will increase the predictability of the permitting process only by stifling access to the courts.

Mr. Chairman, my amendment creates an exception for the awarding of attorneys' fees to successful challenges submitted by either individual citizens or non-profit entities, so that justice in this country is not reserved for only those who can afford the hefty entrance fee.