



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members  
**From:** House Committee on Natural Resources Republican Staff  
**Date:** Wednesday, June 12, 2024  
**Subject:** Markup of 10 bills

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The Committee on Natural Resources will hold a markup on **Wednesday, June 12, 2024, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 1395 (Rep. Fitzpatrick); H.R. 1437 (Rep. Rose); H.R. 1647 (Rep. Moulton); H.R. 3119 (Rep. Soto); H.R. 5441 (Rep. LaLota); H.R. 6395 (Rep. Curtis); H.R. 7776 (Rep. Lee of NV); H.R. 7872 (Rep. Curtis); H.R. 8446 (Rep. Ciscomani); and H.R. 8450 (Rep. Cammack).

Member offices are requested to notify Madeline Kelley ([madeline.kelley@mail.house.gov](mailto:madeline.kelley@mail.house.gov)) by 4:30 p.m. on Tuesday, June 11, 2024, to confirm their Member's attendance at the mark-up.

## **I. KEY MESSAGES & TOP LINE ACTIONS**

- Bills expected to move by regular order: H.R. 1437 (Rep. Rose), "*Black Vulture Relief Act of 2023*"; H.R. 8446 (Rep. Ciscomani), To amend the Energy Act of 2020 to include critical materials in the definition of critical mineral, and for other purposes; and H.R. 8450 (Rep. Cammack), "*Phosphate and Potash Protection Act of 2024*".
- Please note that H.R. 1437, H.R. 8446, and H.R. 8450 will have an amendment in the nature of a substitute (ANS). Members should ensure that amendments are drafted to the ANS.
- Bills expected to move by unanimous consent: H.R. 1395 (Rep. Fitzpatrick), "*Delaware River Basin Conservation Reauthorization Act of 2023*"; H.R. 1647 (Rep. Moulton), "*Salem Maritime National Historical Park Redesignation and Boundary Study Act*"; H.R. 3119 (Rep. Soto), To provide for the issuance of a Manatee Semipostal Stamp; H.R. 5441 (Rep. LaLota), "*Long Island Sound Restoration and Stewardship Reauthorization Act of 2023*"; H.R. 6395 (Rep. Curtis), "*Recognizing the Importance of Critical Minerals in Healthcare Act of 2023*"; H.R. 7776 (Rep. Lee), "*Help Hoover Dam Act*"; and H.R. 7872 (Rep. Curtis), "*Colorado River Salinity Control Fix Act*".

## II. EXPECTED LEGISLATION

### **H.R. 1437, (Rep. Rose), “*Black Vulture Relief Act of 2023*”**

H.R. 1437 would allow livestock producers or an employee of a livestock producer to take a black vulture without a permit if it is causing, or if there is a reasonable belief that it will cause: death, injury, or destruction to livestock. The bill requires livestock producers to report to the U.S. Fish and Wildlife Service (FWS) no later than January 31 of each year if they have taken a black vulture in the preceding year and how many they have taken. The FWS must make available on its website, no later than 180 days after the enactment of the bill, a reporting form for livestock producers.

The amendment in the nature of a substitute (ANS) clarifies that poison cannot be used as a means to take a black vulture. In addition, the ANS clarifies that ranchers are not required to submit a report until after the Director of the Fish and Wildlife Service makes available the reporting form required by the legislation.

H.R. 1437 has 37 Republican cosponsors and 1 Democrat cosponsor. Hearing information, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

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### **H.R. 8446 (Rep. Ciscomani), *To amend the Energy Act of 2020 to include critical materials in the definition of critical mineral, and for other purposes.***

H.R. 8446, sponsored by Rep. Ciscomani (R-AZ), would amend the Energy Act of 2020 to include critical materials in the definition of critical mineral.

The Energy Act of 2020,<sup>1</sup> which sets the definition of critical minerals, also directs the Secretary of the Department of Energy (DOE) to develop a critical materials list that includes all minerals on the United States Geological Survey’s (USGS) critical mineral list (CML) but adds: “any non-fuel mineral, element, substance, or material that the Secretary of Energy determines: (i) has a high risk of supply chain disruption; and (ii) serves an essential function in one or more energy technologies, including technologies that produce, transmit, store, and conserve energy.”<sup>2</sup> DOE’s methodology for material determination is forward-looking, accounting for international demand scenarios and growth trajectories specifically for energy technologies. On the other hand, while USGS is working on incorporating forecasting metrics as stipulated by the Energy Act of 2020,<sup>3</sup> current criteria use historical data to determine supply risk to the U.S. economy and national security.

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<sup>1</sup> 30 U.S.C. §1606.

<sup>2</sup> Dep’t of Energy, Critical Minerals and Materials Program, *What Are Critical Materials and Critical Minerals?*, available at <https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals> (last visited Nov. 20, 2023).

<sup>3</sup> 30 U.S.C. §1606.

DOE’s 2023 Critical Materials List, unlike the USGS CML, contains copper, electrical steel, fluorine, silicon, and silicon carbide.<sup>4</sup> H.R. 8446 would ensure that the materials on the DOE list would also appear on the USGS CML—just as all minerals on USGS’s list appear on DOE’s list.

An amendment in the nature of a substitute (ANS) will be offered by Representative Stauber that adds a short title: “The Critical Mineral Consistency Act of 2024.”

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

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### **H.R. 8450 (Rep. Cammack), “*Phosphate and Potash Protection Act of 2024*”**

The global mineral supply shocks of the last few years have created uncertainty in the agriculture supply chains. Potash, phosphate, and nitrogen are necessary components of fertilizer.<sup>5</sup> Potash refers to fertilizer potassium, and phosphate refers to the rock used to produce phosphorous; neither potash nor phosphate have viable substitutes.<sup>6</sup> According to the Mineral Commodity Summaries 2024, phosphorous in agriculture and potassium as a plant nutrient are the only minerals that can effectively be used in fertilizer due to their unique benefits to plants.<sup>7</sup>

H.R. 8450 would direct the Secretary of the Interior, in consultation with the Secretary of Agriculture, to reevaluate potash, phosphate, and materials necessary for fertilizer for designation as critical minerals. This bill also requires DOI to publish a report to Congress explaining why these minerals do or do not meet the necessary CML requirements and update the CML within 60 days should USGS find that any mineral meets the criteria.

An amendment in the nature of a substitute (ANS) will be offered by Representative Stauber that shortens the timeframe in which USGS is directed to update the CML from 60 days to 45 days.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

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<sup>4</sup> Dep’t of Energy, Notice, *Notice of Final Determination on 2023 DOE Critical Materials List*, 88 Fed. Reg. 51798 (Aug. 4, 2023), <https://www.federalregister.gov/documents/2023/08/04/2023-16611/notice-of-final-determination-on-2023-doe-critical-materials-list>.

<sup>5</sup> OCP, What is Phosphate, <https://www.ocpgroup.ma/what-is-phosphate#:~:text=Phosphate%20rock%20is%20processed%20to,to%20animal%20feed%20and%20electronics>.

<sup>6</sup> USGS, Mineral Commodity Summaries 2024, Page 135, and 139.

<sup>7</sup> USGS, Mineral Commodity Summaries 2024, Page 138-139.

**H.R. 1395, (Rep. Fitzpatrick) “*Delaware River Basin Conservation Reauthorization Act of 2023*”**

H.R. 1395 reauthorizes the Delaware River Basin Restoration Program through FY 2030, which has been funded annually at \$11.5 million. The program serves as a nonregulatory organization that works to “identify, prioritize, and implement restoration and protection activities within the Basin,”<sup>8</sup> helping to advance “science-based restoration and protection activities.”<sup>9</sup> The program includes stakeholders from across the watershed to adopt a basin-wide restoration plan and provides competitive grants to pursue these efforts. Since 2018, this program has awarded \$55.1 million in grants to 195 different projects, generating \$79.2 million in matching funds from grant recipients.<sup>10</sup>

The bill adds the state of Maryland to the authorizing statute. An amendment will be offered at markup that removes the changes to the federal cost share, keeping the current 50 percent federal cost share.

H.R. 1395 has 4 Republican cosponsors and 14 Democrat cosponsors. Hearing information, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

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**H.R. 5441 (Rep. LaLota), “*Long Island Sound Restoration and Stewardship Reauthorization Act of 2023*”**

H.R. 5441 reauthorizes the Long Island Sound Study (LISS) at its current authorization level of \$40 million annually through FY 2028. LISS is a long-term, collaborative effort between the Environmental Protection Agency (EPA) and the states of New York and Connecticut to ensure the long-term health of the Long Island Sound.

The collaborative nature of these efforts—with officials from the EPA working alongside state and local leaders—incorporates the most up-to-date science to advance restoration activities and provides financial resources to the localities carrying them out. These efforts are critical given the economic value of Long Island Sound; 9 million people live in its watershed, and the Sound generates \$9.4 billion in economic activity annually.<sup>11</sup> Montauk Point on Long Island also holds New York’s largest commercial fishing fleet.<sup>12</sup>

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<sup>8</sup> P.L.114-322, Water Infrastructure Improvements for the Nation Act <https://www.govinfo.gov/content/pkg/PLAW-114publ322/pdf/PLAW-114publ322.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> Testimony of Kelly Knutson. House Natural Resources Committee, Subcommittee on Water, Wildlife and Fisheries. “Legislative Hearing on H.R. 1395, H.R. 5487, H.R. 6814 and H.R. 7020.” March 21, 2024. [https://naturalresources.house.gov/uploadedfiles/testimony\\_knutson.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_knutson.pdf)

<sup>11</sup> Long Island Sound Study. “What Makes Long Island Sound Special?” <https://longislandsoundstudy.net/about-the-sound/what-makes-it-special/>.

<sup>12</sup> Commercial Fishing. Long Island Sound. <https://www.commercial-fishing.org/regional/long-island-sound/>

H.R. 5441 has 3 Republican cosponsors and 4 Democrat cosponsors. Hearing information, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

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### **H.R. 6395 (Rep. Curtis), “Recognizing the Importance of Critical Minerals in Healthcare Act of 2023”**

H.R. 6482 would amend the Energy Act of 2020, requiring the Secretary of the Department of the Interior (DOI) to include the Secretary of Health and Human Services (HHS) in consultations regarding designations of critical minerals, elements, substances, and materials.

In 2022, USGS removed uranium and helium from the CML, prompting criticism from House Republicans over supply chain security.<sup>13</sup> Section 7002 of the Energy Act of 2020 specifically states that fuel materials may not be considered for either the USGS CML or the DOE Critical Materials List,<sup>14</sup> but uranium has other, non-fuel uses in the healthcare sector.<sup>15</sup> Likewise, liquid helium is used frequently as a coolant for superconducting magnets in magnetic resonance imaging (MRI) machines.<sup>16</sup> Copper, gold, lithium, titanium, silver, and platinum are key components in various medical technologies, equipment, and treatments.<sup>17</sup>

By requiring DOI to consult with HHS, this bill will ensure that medical uses of these minerals, and the ramifications that any supply disruption could have on the healthcare economy are adequately considered when evaluating CML designations.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

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### **H.R. 7872 (Rep. Curtis) “Colorado River Salinity Control Fix Act”**

Congress enacted the Colorado River Basin Salinity Control Act (Salinity Control Act, P.L. 93-320) in June of 1974. This legislation authorized salinity control projects across the Colorado River Basin through the Colorado River Basin Salinity Control Program (Program). The

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<sup>13</sup> Letter from Ranking Member Bruce Westerman and Members of the Committee on Natural Resources to Secretary Debra Haaland, re: critical minerals list and Eastern European unrest, February 3, 2022.

<sup>14</sup> Codified at 30 U.S.C. §1606.

<sup>15</sup> National Nuclear Security Administration, *NNSA’s Molybdenum-99 Program: Establishing a Reliable Domestic Supply of Mo-99 Without the Use of Highly Enriched Uranium*, <https://www.energy.gov/nnsa/nnsas-molybdenum-99-program-establishing-reliable-domestic-supply-mo-99-without-use-highly>

<sup>16</sup> National Academies Press, *The Impacts of Selling the Federal Helium Reserve*, <https://nap.nationalacademies.org/read/9860/chapter/6#28>

<sup>17</sup> National Mining Association, *Our Medical Supply Chain Needs a Strong Domestic Mining Industry* <https://nma.org/wp-content/uploads/2020/04/Minerals-and-Medical-Applications-Fact-Sheet.pdf>

Program receives 70 percent of its funds from appropriations (also referred to as the “non-reimbursable portion”) and power revenues (the “reimbursable portion”). Fifteen percent of the reimbursable money is funded by the Upper Colorado River Basin Fund (Upper Basin Fund). The remaining 85 percent of reimbursable funds are from the Lower Colorado River Basin Fund (Lower Basin Fund). While the Upper Basin states can adjust their power rates, the Lower Basin states’ power rates are set in statute. This creates an imbalance in the two basins’ up-front, reimbursable funding for salinity control projects. H.R. 7872 addresses this imbalance by adjusting the percentage of reimbursable and non-reimbursable funds to save the Lower Basin Fund \$4.3 million.

H.R. 7872 has 5 Republican cosponsors and 4 Democrat cosponsors. Hearing information, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

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### **H.R. 1647 (Rep. Moulton), “Salem Maritime National Historical Park Redesignation and Boundary Study Act”**

The Secretary of the Interior established the Salem Maritime National Historic Site in 1938 in Salem, Massachusetts, as the first national historic site in the country. Its mission is to conserve and interpret New England’s 600-year maritime history.<sup>18</sup> The 9-acre site, managed by the National Park Service (NPS), celebrates the importance of colonial-era trade, the role of privateers during the Revolutionary War, and the postwar global trade that helped the U.S. establish economic independence.<sup>19</sup> H.R. 1647 would redesignate the Salem Maritime National Historic Site as the “Salem Maritime National Historical Park.” This designation is more appropriate for the site because it includes multiple properties and buildings, whereas national historic sites typically contain only a single historical feature.<sup>20</sup> The legislation also requires NPS to conduct a boundary study of sites and resources associated with maritime history, military history, and coastal defense in the Salem area to assess the suitability and feasibility of adding these sites to the boundary of the National Historical Park.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

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### **H.R. 3119 (Rep. Soto), To provide for the issuance of a Manatee Semipostal Stamp**

H.R. 3119 would authorize the U.S. Postal Service (USPS) to offer a “Manatee Semipostal Stamp,” to pay tribute to the manatee, which was downlisted from endangered to threatened in

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<sup>18</sup> National Park Service, “America’s First National Historic Site”, <https://www.nps.gov/sama/index.htm>.

<sup>19</sup> National Park Service, “Salem Maritime National Historic Site”, <https://www.nps.gov/nr/travel/maritime/sal.htm>.

<sup>20</sup> National Park Service, “Designations of National Park System Units”, <https://www.nps.gov/goga/planyourvisit/designations.htm>.



2017.<sup>21</sup> Revenue generated through the sale of this stamp would be transferred to the FWS. Those funds would be dedicated to protecting manatees and their habitat. This legislation builds on similar initiatives from the USPS and the FWS. In 2011 the Save Vanishing Species Semipostal Stamp, commonly known as the “Tiger Stamp,” was issued to support animal conservation.<sup>22</sup>

H.R. 3119 has 1 Republican cosponsor and 1 Democrat cosponsor. Hearing information, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

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### **H.R. 7776 (Rep. Lee of Nevada) “*Help Hoover Dam Act*”**

H.R. 7776 would give the Bureau of Reclamation (Reclamation) the authority to utilize \$45 million of stranded ratepayer funds in the Colorado River Dam Fund for the purpose of operation, maintenance, and replacement of the Hoover Dam. The funds were originally collected from ratepayers to pay for Post Retirement Benefits for Western Area Power Administration and Reclamation employees.<sup>23</sup> However, they were never used. This bill directs the money already collected from ratepayers back into the Hoover Dam.

H.R. 7776 has 5 Republican cosponsors and 5 Democrat cosponsors. Hearing information, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

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### **III. CBO SCORES**

**None available.**

### **IV. EFFECT ON CURRENT LAW (RAMSEYER)**

**[H.R. 1395](#)**

**[H.R. 7776](#)**

**[H.R. 5441](#)**

**[H.R. 7872](#)**

**[H.R. 6395](#)**

**[H.R. 8446](#)**

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<sup>21</sup> “Manatee Reclassified from Endangered to Threatened as Habitat Improves and Population Expands – Existing Federal Protections Remain in Place.” U.S. Fish and Wildlife Service. 3/30/2017. [Manatee Reclassified from Endangered to Threatened as Habitat Improves and Population Expands – Existing Federal Protections Remain in Place | U.S. Department of the Interior \(doi.gov\)](#)

<sup>22</sup> U.S. Fish and Wildlife Service. Save Vanishing Species Semipostal Stamp. <https://www.fws.gov/program/tigerstamp>

<sup>23</sup> Congresswoman Lee, NV Congressional Delegation Lead Bipartisan Legislation to Recover Millions in Unused Funding for Hoover Dam. <https://susielee.house.gov/media/press-releases/congresswoman-lee-nv-congressional-delegation-lead-bipartisan-legislation>.