

**EXAMINING THE PRESIDENT'S FY 2025
BUDGET REQUEST FOR THE
UNITED STATES GEOLOGICAL SURVEY
AND THE OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY AND
MINERAL RESOURCES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

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GEOLOGICAL SURVEY AND THE OFFICE OF
SURFACE MINING RECLAMATION AND
ENFORCEMENT**

**Wednesday, May 22, 2024
U.S. House of Representatives
Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 2:45 p.m. in Room 1324, Longworth House Office Building, Hon. Pete Stauber [Chairman of the Subcommittee] presiding.

Present: Representatives Stauber, Gosar, Fulcher, Tiffany, Rosendale; Ocasio-Cortez, Kamlager-Dove, Dingell, and Lee.

Also present: Representative Hageman; and Porter.

Mr. STAUBER. The Subcommittee on Energy and Mineral Resources will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member.

I ask unanimous consent that the gentlewoman from Wyoming, Ms. Hageman, and the gentlewoman from California, Ms. Porter, be allowed to participate in today's hearing.

Without objection, so ordered.

I now recognize myself for an opening statement.

STATEMENT OF THE HON. PETE STAUBER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. STAUBER. Thank you for being here today to discuss the budgets of the United States Geological Survey, or the USGS, and the Office of Surface Mining Reclamation and Enforcement, or OSMRE.

In an ideal world, the various offices within the Department of the Interior should work together, each doing their own part to fulfill DOI's mandates. When one or several of these offices deviate from DOI's normal process or, on occasion, congressional intent, other offices are unable to do their jobs, throwing a wrench into the agency's entire operation.

Unfortunately, the Bureau of Land Management's recent actions have stalled OSMRE's ability to oversee the coal industry and ensure proper management of abandoned mine lands. Two weeks ago, the BLM published its Conservation and Landscape Health

Rule, which would tie up broad swaths of Federal lands, prevent economic development, and push the United States into further reliance on foreign nations for resources we have right here at home, all in the name of the Biden administration's radical net zero agenda.

Last week, and yet another knock against economic and resource development, BLM published two final supplemental environmental impact statements for resource management plans in Wyoming and Montana. By selecting the no-action alternatives, the Biden administration took millions of acres off-line for new coal leasing in each state. In doing so, the Biden administration dealt a disastrous blow to the grid, tax revenues, jobs, and ultimately the environment.

Rather than source our energy responsibly here, we will yet again be forced to look overseas. Wyoming alone produces over 41 percent of our country's coal output and 85 percent of all Federal coal production, a resource that fuels 16 percent of the nation's electric grid. In 2021, coal production in Wyoming accounted for nearly \$500 million in taxes, royalties, and fees, and provided an additional \$127 million in Federal mineral royalties.

In a time when global coal demand is at an all-time high and continues to grow, removing cleaner American coal as an option will force international reliance on dirtier fuel solutions. Further, as current coal operators pay fees that in turn go towards cleaning up coal mines abandoned decades ago, OSMRE, which facilitates abandoned mine land funding disbursement, should be incredibly concerned as to how BLM's recent decision will thwart environmental restoration in the future.

While the BLM oversees the Federal Coal Leasing Program, OSMRE regulates active coal leasing and oversees mining in states granted primacy under Title V, or SMCRA. In OSMRE's budget justification, the office stated it expects to complete the mine plan recommendation or modification process and associated NEPA analysis for only three to four projects in Fiscal Year 2024–2025.

States granted primacy also have concerns regarding OSMRE's potential authoritative encroachment regarding the 10-day notices rule that went into effect on May 9, as well as OSMRE's 3-year hiatus on regular state funding updates. OSMRE has also allowed a backlog of 60 state program amendment approvals to pile up, with some going as far back as 15 years.

Congress should not have to stress its expectations that OSMRE engages with states in a timely and transparent manner. That should be the standard.

USGS provides a wide range of research and data analysis critical for the development of our domestic mineral resources. For example, the Earth MRI program locates and maps the USA's resource deposits. However, if the BLM continues to slow-walk leasing and permitting, localities, states, and the entire country will not be able to benefit from the important work USGS is undergoing nor the rich resources within our own borders.

Even the materials covered on the Critical Minerals List, which USGS publishes every 3 years, remain in the ground under President Biden's anywhere-but-America, any-worker-but-American mining policies. Hypocritically, the Biden administration is

funneling billions of taxpayer dollars into foreign mining operations that pose greater risks to the American mineral supply chain, our national security, and global emissions.

I look forward to hearing from USGS and OSMRE.

And I was going to yield to the Ranking Member, but she is not here. So, what we will do now is we will introduce our witnesses.

I want to thank you all for coming, and just as a reminder, to begin your testimony, please press the “talk” button on the microphone.

We use timing lights. When you begin, the light will turn green. When you have 1 minute remaining, the light will turn yellow. And at the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement as soon as practical after that. Otherwise, you will hear this. It means hustle up.

I will also allow all witnesses to testify before Member questioning.

Our first witness is Dr. David Applegate. He is the Director of the U.S. Geological Survey in the Department of the Interior, and he is stationed in Reston, Virginia.

Dr. Applegate, you are now recognized for 5 minutes.

STATEMENT OF DAVID APPLGATE, DIRECTOR, U.S. GEOLOGICAL SURVEY, U.S. DEPARTMENT OF THE INTERIOR, RESTON, VIRGINIA

Dr. APPLGATE. Thank you very much, Chairman Stauber, and I want to thank you and Ranking Member Ocasio-Cortez for inviting me here today to discuss the Biden-Harris administration’s Fiscal Year 2025 budget request for the USGS.

This \$1.6 billion request supports the advancement of scientifically sound and useful tools and information to support effective and efficient decision-making on our nation’s lands, waters, and natural resources. The budget invests in science and analysis to support national security, natural resource management, and infrastructure decisions. These investments will help the USGS to better support the economic growth and well-being of the nation.

Established in 1879, the USGS is the science arm of the Department of the Interior. The USGS does not promulgate regulations or make land management or policy decisions. Instead, the USGS brings an array of Earth, water, biological, and mapping data and expertise to deliver objective, policy-neutral, actionable science that informs decision-making on environmental, natural resource, and public safety issues. As the Director of the USGS, I am committed to building on this remarkable institution’s 145 years of scientific excellence, and I am grateful for your continued support for USGS science.

One very important part of this budget is its investment in protecting USGS scientific quality and integrity. We are requesting a \$1.7 million increase for an integrated laboratory support, training, and oversight program that will strengthen safety, bio-risk management, and animal welfare best practices in our USGS laboratories.

Next, I would like to highlight a few priorities for our core science systems, energy and mineral resources, and natural hazards mission areas that fall within this Subcommittee’s

jurisdiction. Recognizing that our ecosystems and water mission areas are overseen by the Water, Wildlife and Fisheries Subcommittee, I will only mention them briefly in my oral remarks, but they are discussed further in my written statement.

The budget for our core science systems mission area calls for an increase of \$39.8 million over the Fiscal Year 2024 enacted level, with investments that strengthen the nation's hydrographic, biogeographic, and remotely-sensed data and supercomputing power.

An especially important investment focuses on the Landsat satellite program. This joint USGS-NASA venture is the world's longest running space-based Earth observation program. The budget provides a \$12 million increase to fund the development of Landsat Next, even while we continue to operate the Landsat 8 and 9 satellites that are now on orbit.

The request also enables new partnerships to systematically re-map the nation's surface water by acquiring high-accuracy 3D hydrography data derived from LiDAR produced by the 3D Elevation Program.

The President's budget includes an increase of \$19.2 million for our Energy and Mineral Resources mission area. This funding will support USGS development of the first National Inventory of Sub-surface Pore Spaces, which is essential to make economic use of oil and gas wastewaters and storing carbon dioxide in geologic formations.

The budget also includes a \$5.6 million increase to expand our critical minerals and supply chain analysis and forecasting, which currently informs billions of dollars in Federal and private-sector investments. This expansion will accelerate our ability to identify mineral supply chain disruptions in advance of economic impacts for events ranging from earthquakes to pandemics.

We are also requesting the formal designation of the USGS National Minerals Information Center as a unit of the Federal Statistical System of the United States.

The President's budget includes an increase of \$12 million for our natural hazards mission area. This includes a \$1.5 million increase to support science in subduction zones, which caused the largest and most damaging earthquakes and associated hazards. This will build on some of the recent innovations deployed by the USGS, such as the nation's first earthquake early warning system, in collaboration with the NOAA National Weather Service, to improve warnings for volcanic ash and for debris flows in wildfire-burned areas.

The President's budget includes increases of \$26.7 million and \$20 million for our ecosystems and water mission areas, respectively. These increases include new science to address drought, enabling USGS to develop state-of-the-art tools and deliver actionable information for near-term land and water management, and to help guide longer-term planning.

On behalf of the more than 8,000 employees at the USGS, thank you again for the opportunity to testify in front of this Subcommittee. I will be happy to answer any questions.

[The prepared statement of Dr. Applegate follows:]

PREPARED STATEMENT OF DAVID APPLGATE, DIRECTOR, U.S. GEOLOGICAL SURVEY,
DEPARTMENT OF THE INTERIOR

Chairman Stauber and Ranking Member Ocasio-Cortez, thank you for inviting me here today to discuss the Biden-Harris Administration's Budget request for the U.S. Geological Survey (USGS) for Fiscal Year (FY) 2025. The budget request for the USGS is \$1.6 billion, supporting the advancement of scientifically sound and useful tools and information to support effective and efficient decision-making on our Nation's lands, waters, and biological resources. The Budget also supports additional science and analysis to support national security, natural-resource management, and infrastructure decisions. Together, these investments will help USGS better support the economic growth and well-being of the Nation.

Established in 1879, the USGS is the science arm of the Department of the Interior. The USGS does not promulgate regulations or make land-management or policy decisions. Instead, the USGS brings an array of earth, water, biological, and mapping data and expertise to deliver objective, policy-neutral, actionable scientific information that informs decision-making on environmental, natural-resource, and public-safety issues. As the Director of the USGS, I am committed to building on this remarkable institution's 145 years of scientific excellence focused on the needs of the Nation and ensuring that our science reaches those who need it the most. I am grateful for your continued interest in and support for USGS science.

One very important part of this Budget is its investment in protecting USGS scientific quality and integrity. This Budget includes a \$1.7 million increase for an integrated laboratory support, training, and oversight program that will strengthen safety, bio-risk management, and animal welfare best practices in USGS laboratories. I know that this is of particular interest to many Members of Congress.

Another significant priority in this Budget is science to address drought. As those in the West can attest, changing weather patterns and decreased rainfall mean that now, more than ever, there is an increased need for drought science. The 2025 budget invests an additional \$7 million to develop state-of-the-art tools and actionable science to inform near-term land- and water management while also providing science to help guide longer-term management planning and decision-making efforts. These efforts will include the build-out of a Colorado River Basin Science Hub to improve partners' access to scientific data and tools. These efforts will lead to an improved understanding of gains and losses of water as it moves through the Basin from one Colorado River reservoir to another.

Our science is overseen by Mission Areas, and I will highlight a few priorities supported by this Budget for each.

Core Science Systems

The President's Budget includes \$313 million for Core Science Systems programs, an increase of \$39.8 million over the FY 2024 enacted level. The Budget increase supports several investments to strengthen the Nation's hydrographic, biogeographic, and remotely sensed data and supercomputing power.

The Landsat satellite program, a joint USGS-NASA venture, is the world's longest running space-based Earth observation program. The Budget provides a \$12.0 million increase to fund the development of Landsat Next while simultaneously operating the Landsat 8 and 9 satellites. This investment is critically important to keep Landsat Next ground station development on track, thus ensuring we maintain the unparalleled 52-year record of Landsat Earth observation into the next decade and beyond.

The USGS will enable new partnerships to systematically remap the Nation's surface water by acquiring high-accuracy 3D hydrography data derived from lidar produced by the 3D Elevation Program. The Budget also supports next-generation supercomputer capacity, expanded collaboration with partners in scientific computing methods and technology, and enhanced data and analysis underpinning the American Conservation and Stewardship Atlas.

Energy and Mineral Resources

The President's Budget includes \$120.3 million for Energy and Mineral Resources programs, an increase of \$19.2 million over the FY 2024 enacted level.

The Budget supports some exciting new science activities that strengthen our Nation's economic growth and security. For example, the USGS will develop the first inventory of subsurface pore spaces. This will advance the management of extraction and injection practices, but it is also essential to advance the cutting-edge efforts to make economic use of waste waters associated with oil and gas development and to develop storage of carbon dioxide in geologic formations. Both will contribute to meeting our carbon-emission reduction goals. Other priorities that support

energy development include new assessments of geothermal resources, including in Alaska and Hawai'i, and continued support for existing collaborations with coal-mine operators to capture methane.

Regarding mineral resources, the Budget includes an additional \$5.6 million to expand our critical minerals and supply-chain analysis and forecasting which currently informs billions of dollars in Federal and private-sector investments. This expansion will accelerate our ability to identify mineral supply-chain disruptions in advance of economic impacts for events ranging from earthquakes to pandemics. We are also restructuring our mineral research programs to support the formal designation of the USGS National Minerals Information Center as a unit of the Federal Statistical System of the United States, coordinated by the Chief Statistician. The Biden-Harris Administration announced last November that the USGS would seek Congressional endorsement for this designation.

Natural Hazards

The President's Budget includes \$210.6 million for Natural Hazards programs, an increase of \$12 million over the FY 2024 enacted level.

USGS research builds on decades of science to understand the natural hazards that pose risks to life and property. This work is the foundation of more resilient communities that strengthen our economic security. The USGS has deployed the Nation's first earthquake early-warning system, *ShakeAlert*, improved the timeliness of lava-flow forecasts at Kilauea volcano from hours to minutes, and collaborates with the National Oceanographic and Atmospheric Administration's National Weather Service (NWS) to improve warnings for volcanic ash, debris-flows in recently burned areas, and landslides in Alaska's Prince William Sound. We cannot prevent natural hazards from occurring, but USGS science helps reduce their impacts.

The Budget includes an increase of \$2.8 million for our coastal and marine hazards work that supports climate-related risk assessments under Executive Order 14030. It also includes an increase of \$1.5 million to support science in subduction zones, which cause the largest and most damaging earthquakes and associated hazards.

Bureau Infrastructure and Cross-Cutting Initiatives

In addition to the support for our science Mission Areas, the Budget includes funding to modernize our facilities, including the construction of new biosafety level 3 labs at the National Wildlife Health Center in Madison, WI, mitigation of PFAS (per- and polyfluoroalkyl substances) impacts at the Upper Midwest Environmental Science Center in La Crosse, WI, and planning for the consolidation of our facilities at the Woods Hole Coastal and Marine Science Center in Falmouth, MA. This is in addition to ongoing work to relocate facilities to Moffett Field in Santa Clara, CA, to complete the construction of a new Hydrological Instrumentation Facility in Tuscaloosa, AL, to construct the Energy and Minerals Research Facility in Golden, CO, and to re-establish the Hawaiian Volcano Observatory outside Hilo, HI.

I note that the Water, Wildlife, and Fisheries Subcommittee has jurisdiction over two other USGS science Mission Areas.

Ecosystems

The President's Budget includes \$326.1 million for Ecosystems programs, an increase of \$26.7 million over the FY 2024 enacted level.

The Budget includes an increase of \$3.5 million for migration science for huntable big-game populations. Thanks to unique USGS expertise and technical capacity, we have been able to lead a national effort to advance this science. The USGS and our partners have already discovered previously unrecorded migration patterns, and this information is being used to identify effective and efficient opportunities to improve the management of big-game resources. Under this Budget, the USGS will provide a full inventory of existing ungulate migrations and develop the technology needed to make these data publicly available and useful. Migration is required for abundant big-game herds, which sustain hunting, subsistence, and tourism economies across the West; a clearer understanding of such migration patterns across large landscapes will improve Federal, state, Tribal, local, and private conservation efforts.

This Budget also includes an additional \$5.7 million increase for the National and Regional Climate Adaptation Science Centers program, or CASCs. This funding will support the CASCs' work, in partnership with their host institutions at research universities, to update publicly available climate information and to provide tools to support the U.S. Global Change Research Program's first-ever National Nature Assessment.

Water Resources

The President's Budget includes \$309.6 million for USGS Water Resources programs, an increase of \$20.8 million over the FY 2024 enacted level.

The USGS works with partners to monitor, assess, conduct targeted research, and deliver information on a wide range of water resources and conditions including streamflow, groundwater, water quality, and water use and availability. The Budget will allow the USGS to continue providing the critical data and science needed to help address the current and future water-resource issues that confront the Nation, such as managing water availability in drought-stricken regions of the country to balance our societal and ecological needs.

Under this Budget, the USGS will expand capacities to develop and deliver the next 5-year National Water Availability Assessment. The assessment will include historic trends and current status of freshwater availability. The increased investment will also advance models of future projections of water availability and quality in the Nation's streams and groundwater storage. Modeling advancements will account for needs within human and ecological use which will benefit decisions on infrastructure, water security, and economic optimization.

Supporting the national assessment capabilities are advances in water-monitoring capabilities. The Budget provides funding to continue deployment of the pilot Next Generation Water Observing System, or NGWOS. Started in 2018, NGWOS designs and implements very dense observational networks in targeted basins, five of which are underway (the Delaware, Illinois, upper Colorado, Trinity-San Jacinto, and Willamette rivers). In addition, the budget will allow continued partnerships with academia and the private sector to develop innovative water monitoring technologies that are scalable to regional and national monitoring networks, which is necessary to expand the availability of water data for the Nation. These pilots are developing the innovative equipment and techniques that will eventually be integrated into our nationwide monitoring networks, such as automated underwater drones, machine-learning models, and the latest advances in sensor technology developed by our industry partners. There is a revolution happening in water data that will transform management of this most fundamental natural resource. I invite you to visit one of our NGWOS basins to see these transformative new approaches for yourself.

The Federal Priority Streamgauge network (FPS; previously called the National Streamflow Information Program) and the National Groundwater-Quality Network are the foundational national-scale monitoring networks that make the national assessments possible and which are continuously improving using lessons and results from NGWOS. FPS serves as the backbone of the larger National Streamgaging Network, which incorporates sites supported by partners. The Budget increase includes funding to support the continued operation of approximately 3,460 active streamgages in the FPS network, with an additional 30 flood-hardened streamgages to fill gaps and support data needs for better water-model predictions. Furthermore, the USGS will enhance several existing FPS sites by hardening them against flooding and improving the communications that connects them to the network. Through the National Groundwater-Quality Network, the USGS monitors groundwater-quality conditions in more than 80 long-term regional aquifer networks spanning the Nation. This is an important capability because groundwater is the source of drinking water for more than 130 million Americans each day. Increased funding will support a variety of improvements, such as increased sampling at public-supply wells and expanded collection of water-level measurements in addition to water-quality measurements.

Conclusion

On behalf of the more than 8,000 employees of the USGS, thank you again for the opportunity to testify. I will be happy to answer any questions.

QUESTIONS SUBMITTED FOR THE RECORD TO DR. DAVID APPLEGATE, DIRECTOR, U.S. GEOLOGICAL SURVEY (USGS)

Dr. Applegate did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Stauber

Question 1. For purposes of developing the critical minerals list, the USGS tracks most minerals in terms of domestic deposits, and it can take some time for the USGS

to undergo in-depth reporting on any specific element, with years passing before an update can be published. Accordingly, should minerals that are deemed a Defense Production Act (DPA) Title III priority material be immediately reviewed for USGS domestic resource reporting? Additionally, can this review period for DPA Title III minerals be shortened?

Questions Submitted by Representative Fulcher

Question 1. Earlier this month, Secretary Haaland testified that the Biden administration has only permitted five mines, and the BLM clarified last week that one of these mines began its permitting process under the previous administration. How could a lack of domestic permitting lead to increased import reliance on all minerals, including those on the current critical mineral list?

Questions Submitted by Representative Mullin

Question 1. There are various ways we can improve earthquake preparedness: by supporting scientific programs, developing better building codes, or improving disaster planning, among others. Could you outline what you see are the best opportunities for the Federal Government to improve earthquake resilience?

Question 2. What challenges exist for the National Climate Adaptation Science Centers, with respect to funding and beyond? How do you envision its mission will need to evolve as climate impacts continue to increase in severity?

Mr. STAUBER. Thank you, Dr. Applegate. Our next witness is Ms. Sharon Buccino. She is the Principal Deputy Director for the Office of Surface Mining Reclamation and Enforcement in the Department of the Interior, and she is stationed in Washington, DC.

Ms. Buccino, you are now recognized for 5 minutes.

STATEMENT OF SHARON BUCCINO, PRINCIPAL DEPUTY DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Ms. BUCCINO. Thank you. Good afternoon, Chairman Stauber, Ranking Member Ocasio-Cortez, and other members of the Subcommittee and Committee. Thank you for the invitation to testify on the behalf of the Office of Surface Mining Reclamation and Enforcement on the President's Fiscal Year 2025 budget request and priorities for the Bureau.

OSMRE has two fundamental responsibilities: first, to ensure that the nation's coal mines operate in a manner that protects citizens' health and safety and the environment; and second, to restore land affected by mining for future productive uses.

OSMRE's 2025 budget request is for \$304.7 million. It is about \$26 million above the Fiscal Year 2024 enacted level. The increase reflects higher fixed costs, rents, utilities, and payroll. The funds requested will enable OSMRE to fulfill its Title IV restoration and Title V active coal mining responsibilities under the Surface Mining Control and Reclamation Act passed by Congress in 1977.

While I ask that my complete testimony be entered into the record, I will highlight three critical pieces in my brief oral statement.

First, I want to emphasize the increasing needs of states operating their regulatory programs. Despite the long-term decline in

coal demand and production, the cost to operate state regulatory programs has not fallen. In fact, state regulators are grappling with new challenges associated with overseeing an industry in decline. Financial stress, including bankruptcies, is making the job of regulating harder, not easier. Frequently, the task of reclamation is falling to state regulatory authorities as bonds for cleanup are forfeited, which requires additional state program staff capacity.

The Administration supports the request of states for increased funds for their regulatory programs. The President's budget asks for \$65 million for this purpose. This is \$2.6 million more than Fiscal Year 2024 enacted, but the same as was provided in Fiscal Year 2023.

Second, the Administration's budget requests \$9.7 million above the Fiscal Year 2024 enacted level for environmental restoration. The request focuses on state and tribal AML program evaluations, abatement of high-priority coal mining-related hazards through the Federal reclamation program, and strategic partnerships to address acid mine drainage and other water pollution problems.

This amount also supports OSMRE's administration of the AMLER program for economic development, including job training and creation. Since its inception in 2016, OSMRE has not received dedicated funding for AMLER administration. We asked for it here to keep this invaluable program going. Changes made to AMLER in the Consolidated Appropriations Act of Fiscal Year 2024 remove OSMRE oversight from grant approvals. As a result, states and tribes will face oversight and compliance issues such as those associated with the Endangered Species Act on their own.

Finally, I would like to share a few highlights from OSMRE's progress implementing the Bipartisan Infrastructure Law. OSMRE awarded \$721 million to 22 eligible states and the Navajo Nation in Fiscal Year 2022 funding. The Bureau has awarded funding for all of the Fiscal Year 2023 grant applications it has received, totaling another \$698.6 million to 21 states. And I am pleased to announce the Bureau will be releasing the Fiscal Year 2024 BIL Notice of Funding Opportunity, along with applicable guidance, within the next 2 weeks.

OSMRE will continue making these grants each year over the next 13 fiscal years, totaling almost \$11 billion over the 15-year life of BIL funding. As part of the bipartisan commitment the President and Congress made together to the American people, OSMRE is helping states and communities turn past pollution into future prosperity. I am proud of the job OSMRE's employees are doing in collaboration with our state and local partners to clean up waterways, reforest abandoned mine lands, provide training, create jobs, and support coal mining operations. The Administration's Fiscal Year 2025 budget request of \$304.7 million to support this work is a necessary and reasonable amount.

Thank you for the opportunity to present this testimony today, and I am happy to answer your questions. Thank you.

[The prepared statement of Ms. Buccino follows:]

PREPARED STATEMENT OF SHARON BUCCINO, PRINCIPAL DEPUTY DIRECTOR,
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT,
U.S. DEPARTMENT OF THE INTERIOR

Introduction and Background

Chairman Stauber, Ranking Member Ocasio-Cortez, and other Members of the Subcommittee, thank you for the invitation to testify on behalf of the Office of Surface Mining Reclamation and Enforcement (OSMRE) on the President's FY 2025 budget request and priorities for the bureau.

Through the Surface Mining Control and Reclamation Act of 1977 (SMCRA) of 1977 (Pub. L. No. 95-87), Congress established OSMRE for two primary purposes:

First, to ensure that the Nation's coal mines operate in a manner that protects citizens and the environment during mining, and to restore the land affected to a condition capable of supporting the uses it could support before any mining, or higher or better uses following mining.

Second, to implement an abandoned mine land (AML) program to address the hazards and environmental degradation resulting from coal mining activities that occurred before the law was passed in 1977.

OSMRE is committed to protecting people, land, water, and the environment while ensuring coal mining is conducted in an environmentally responsible way. Currently, 23 States have approved regulatory programs in place pursuant to the requirements of Title V of SMCRA. There are 25 States and three Tribes that administer approved AML reclamation plans pursuant to Title IV of SMCRA. The major task for OSMRE is to ensure that States and Tribes administer effective regulatory and AML programs. OSMRE oversees these programs and provides significant funding, technical assistance, training, and technological tools to support their success.

FY 2025 Budget Request Highlights

OSMRE's FY 2025 budget request is \$304.7 million, \$26.0 million above the FY 2024 enacted level (Pub. L. No. 118-42). The FY 2025 budget request for the Regulation and Technology appropriation is \$128.9 million and the Abandoned Mine Reclamation Fund appropriation is \$175.8 million. The \$304.7 million budget request in discretionary appropriations will enable OSMRE to fulfill its Title IV (Abandoned Mine Land Reclamation) and Title V (Environmental Impacts of Surface Coal Mining) responsibilities under SMCRA.

In addition to discretionary appropriations, the budget includes \$1.3 billion in mandatory funding, as required under current law, for reclamation grants to States and Tribes and for three health care plans that are part of the United Mine Workers of America (UMWA) Health and Retirement Funds and the 1974 UMWA pension plan. The FY 2025 budget focuses on funding OSMRE's core mission and supporting the highest priority activities.

The FY 2025 budget request funds the oversight of responsible coal production through the protection, and restoration of mined lands and the restoration of mined lands left unreclaimed from historical mining operations. Approximately 66% (\$200 million) of OSMRE's FY 2025 total request for discretionary appropriations provides financial assistance to eligible States and Tribes in the form of regulatory grants (\$65 million) and AML Economic Revitalization (AMLER) grants (\$135 million). The remaining 34% (\$104.7 million) covers OSMRE's operational costs in fulfilling its SMCRA responsibilities.

OSMRE's discretionary appropriation includes five Budget Activities: Environmental Protection, which supports Title V programs, including regulatory grants; Environmental Restoration, which supports AML programs and funds AMLER grants; Technology Development & Transfer; Financial Management; and Executive Direction & Administration.

The fixed cost and baseline capacity increases proposed in the FY 2025 budget reflect increased rent, utility, and payroll expenditures that OSMRE has incurred and expects to incur. More details regarding the fixed cost and baseline capacity increases are available in the *Office of Surface Mining Reclamation and Enforcement Budget Justifications and Performance Information FY 2025*.

Environmental Protection—Title V—Regulation and Technology

OSMRE's FY 2025 budget request for Environmental Protection is \$91.4 million, supported by 181 FTEs. This will enable OSMRE to meet its 2025 performance goals for the Environmental Protection budget activity, which includes providing \$65 million in regulatory grants to support 23 primacy State regulatory programs and funding the regulatory program development costs for three Tribes.

Despite the long-term decline in coal demand and production, the costs to operate State regulatory programs has not fallen. In fact, State regulators are grappling with new challenges associated with overseeing an industry in decline. Financial stress—including bankruptcies—is making the job of regulating harder, not easier. Frequently, the task of reclamation is falling to State regulatory authorities as bonds for cleanup are forfeited, which requires additional State program staff capacity. SMCRA authorizes the Federal government to pay up to half of the costs of States to run their regulatory programs. Congress should provide \$65 million in FY 2025, the full amount requested in the budget, to ensure that State regulatory programs have sufficient resources to meet SMCRA goals.

The FY 2025 Environmental Protection request also includes \$10 million to oversee and evaluate State and Tribal regulatory programs and \$8.7 million to fund Federal regulatory programs in non-primacy States, such as Tennessee and Washington, and on Indian lands. Also included in the FY 2025 budget request is \$1.7 million for OSMRE to carry out mining plan reviews for Federal lands and \$6 million for program development and maintenance to continue efforts to streamline the approval process for State program amendments and ensure that regulatory standards adequately reflect changes in technologies and program needs.

Environmental Restoration—Title IV—Abandoned Mine Reclamation Fund

The FY 2025 budget request for Environmental Restoration is \$156.1 million, supported by 43 FTEs, a program increase of \$9.7 million above the FY 2024 enacted level. The request supports State and Tribal AML program evaluations, abatement of high-priority coal mining-related hazards through the Federal Reclamation Program, and strategic partnerships to address acid mine drainage (AMD) and other water pollution problems through the Passive Treatment Protection Program.

In FY 2025, the Environmental Restoration program plans to continue to support abandoned coal mine land reclamation through traditional mandatory AML grants and annual appropriations, eliminating health, safety, and environmental hazards and providing several hundred thousand people with reduced exposure to safety risks from abandoned mine lands. Under the State Program Evaluation activities, OSMRE oversees and evaluates the State and Tribal AML reclamation operations. Federal Reclamation Program projects and operations mitigate AML hazards in States and on Indian lands where an approved AML program does not exist. This program also funds the Watershed Cooperative Agreement Program to support cooperative conservation with local nonprofit organizations. The Environmental Restoration budget activity also funds Program Development and Maintenance, which provides policy direction, support, and services to States and Tribes.

Abandoned Mine Land Economic Revitalization Program (AMLER)

In addition to the above-mentioned activities, the Environmental Restoration budget activity provides eligible States and Tribes with AMLER grants and funds OSMRE's administration of the program, including guidance on project eligibility criteria and reporting requirements. This program provides grants to six States and three Tribal nations (Alabama, Kentucky, Ohio, Pennsylvania, Virginia, West Virginia, Crow Tribe, Hopi Tribe, and Navajo Nation) with the dual purpose of reclaiming AML sites and supporting economic and community development.

The FY 2025 budget includes \$135 million for AMLER grants and allocates 0.75 percent of that amount to OSMRE for program administration and 0.5 percent for oversight by the DOI Office of the Inspector General. The request would provide OSMRE with dedicated funding for AMLER administration for the first time since the program's inception in 2016 and would enable the bureau to enhance support for States and Tribes to develop projects and improve the Federal project approval process. The additional authorization to transfer 0.5 percent of AMLER funding to the DOI Office of the Inspector General for oversight of AMLER implementation will further improve the overall administration and strength of the program. Continued funding of the AMLER program will create recreational opportunities, support tourism, enhance infrastructure, and provide job training, skills, and economic opportunities to Appalachian coalfield communities and on Indian lands.

In its oversight capacity, OSMRE has historically worked with States and Tribes to ensure that selected projects are eligible for the AMLER program, Federal

interests are protected, and funds are spent in compliance with statutory language. However, changes made to AMLER in the Consolidated Appropriations Act for Fiscal Year 2024 (Pub. L. No. 118-42) remove OSMRE oversight from grant approvals. As a result, for FY 2024 AMLER funding, States and Tribes will face oversight and compliance issues—such as those associated with the Endangered Species Act—on their own. The appropriations language proposed in the FY 2025 budget will remedy those issues by restoring program oversight and providing OSMRE with the necessary funding to effectively administer the program.

Priority Federal Reclamation Projects in Oklahoma

Pursuant to the Supreme Court decision in *McGirt v. Oklahoma*, OSMRE assumed SMCRA implementation on Indian lands within Oklahoma, including responsibility for the Title IV AML reclamation program. In FY 2024, OSMRE developed the Federal Indian Lands AML program in Oklahoma and funded an increase in FTEs to administer the program. The FY 2025 request of an additional \$1 million will build on the \$4 million in base funding to increase the number of AML projects that can be reclaimed in Oklahoma.

Passive Treatment Protection Program (PTPP)

Passive Treatment Protection Program projects are investments that will reduce water pollution from abandoned mine lands. In FY 2023, OSMRE was appropriated \$500,000 to begin the PTPP program. The FY 2025 budget request includes \$2 million for the PTPP program for grants to non-governmental organizations and to local and State government agencies to help operate, maintain, and rehabilitate AML passive treatment systems, and \$500,000 for OSMRE to administer the program.

Technology Development & Transfer—Title IV & V

The FY 2025 budget request for Technology Development and Transfer (TDT) is \$21.7 million, supported by 99 FTEs, with \$17.2 million to support Regulation and Technology activities and \$4.5 million to support Abandoned Mine Reclamation Fund activities. TDT activities provide technical support and training, including technology development, and technology transfer activities for Federal, State, and Tribal regulatory and reclamation staff, to ensure States and Tribes have the necessary technical skills and expertise needed to effectively operate their SMCRA programs. The TDT funding also facilitates OSMRE's efforts to implement effective partnerships with stakeholders to meet SMCRA's restoration and protection goals.

National Technical Training Program

OSMRE is working diligently to keep up with the needs of its State and Tribal partners with training programs delivered through the National Technical Training Program. During FY 2024, OSMRE plans to hold 45 in-person courses and has 16 virtual courses available through the Departmental learning management system. OSMRE provides States, Tribes, and staff with the best available technical data and information to support science-based decisions for mining plans, reclamation project design, permit reviews, blasting, and AMD prevention. OSMRE is redeveloping course materials to ensure the most up-to-date standards within each discipline are being taught. OSMRE is also soliciting technical experts from the States and Tribes to help teach courses and exchange information and best practices among Title IV and Title V practitioners.

Financial Management—Title IV & V

The FY 2025 budget request for the Financial Management budget activity is \$7.1 million, supported by 36 FTEs. The Financial Management budget activity provides resources for OSMRE to carry out its financial management program responsibilities through three activities: fee compliance, revenue management, and grants accounting management. Under this budget activity, OSMRE also manages the statutorily required transfers to three health care plans that are part of the UMWA Health and Retirement Funds and the 1974 Pension Plan and is responsible for AML fund investments.

Executive Direction & Administration—Title IV & Title V

The FY 2025 budget request for Executive Direction and Administration is \$28.3 million, supported by 69 FTEs. This is an increase of \$7.2 million and 1 additional FTE from the FY 2024 enacted level. The Executive Direction and Administration budget activity activities are integral to OSMRE's Environmental Restoration and Environmental Protection budget activities and Technology Development and Transfer efforts. The Executive Direction and Administration budget activity

provides leadership, policy, and program management guidance, and support for all areas of OSMRE's SMCRA responsibilities. The Executive Direction and Administration activity includes the salaries and operating expenses for the Office of the Director and six immediate staff offices, including the offices of Equal Opportunity; Communications; Planning, Analysis, and Budget; Information Resources; Administration; and Human Resources—all critical to the success of OSMRE's activities.

Bipartisan Infrastructure Law (BIL)

The BIL (Pub. L. No. 117-58), enacted on November 15, 2021, provided OSMRE a total of \$11.3 billion to be distributed over a period of 15 years to accelerate AML cleanup. OSMRE awarded \$721 million to 22 eligible States and the Navajo Nation in FY 2022. As of May 3, 2024, OSMRE has awarded another \$679.6 million to 18 of 22 eligible States that have submitted a grant application for FY 2023. Over the life of the BIL AML program, OSMRE will make grants totaling almost \$10.9 billion to States and the Navajo Nation. These funds are having a significant impact on local communities by helping to address dangerous and polluting AML sites; creating good-paying, family-sustaining jobs; and catalyzing economic opportunity in coal communities.

Conclusion

With the funding requested for FY 2025, OSMRE looks forward to working with our State and Tribal partners to implement SMCRA activities that will protect people and the environment from the adverse effects of past and current coal mining activities. OSMRE's ongoing efforts to improve its partnerships with local, State, and Tribal governments, industry, non-profits, and watershed and citizens groups will ensure greater effectiveness in addressing the environmental and public health and safety problems associated with coal mining activities.

Thank you for the opportunity to present this testimony today, and I am happy to answer any questions you may have at this time.

QUESTIONS SUBMITTED FOR THE RECORD TO MS. SHARON BUCCINO, PRINCIPAL DEPUTY DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT (OSMRE)

Ms. Buccino did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. Taking the prohibition on future coal leasing in the Buffalo and Miles City Resource Management Plans that result from BLM's recent decisions into account, what will be the impact on projected Abandoned Mine Land, or AML, fee collections in fiscal years 2024 through 2034?

1a) Follow-up: What will be the impact on the amount of interest generated by the AML Trust Fund for support of the UMWA Pension and Retire Health Funds be in Fiscal Years 2024 through 2034?

Question 2. OSMRE's Budget Justification states that OSMRE plans to begin the mine plan recommendation or modification process and associated NEPA analysis for only "three to four projects" in FY 2024 and FY 2025. How long do you anticipate the NEPA process will last for these three or four projects?

Question 3. Global demand for coal has never been higher. How can American coal production help bridge the projected supply gap to meet global demand increases?

3a) Follow-up: 16 percent of the U.S. grid is powered by coal. Does OSMRE consult with FERC to determine how swings in coal production could result in a nationwide shortage of baseload power?

Questions Submitted by Representative Grijalva

Question 1. During the hearing, Representative Tiffany repeatedly claimed that President Biden directed OSMRE to rewrite the Ten-Day Notice rule and that the agency did not follow proper procedures in coordinating with the states during

rulemaking. Could you clarify what directive OSMRE received regarding the Ten-Day Notice rule and whether there is an established precedent for this type of executive action? Furthermore, could you elaborate on the process OSMRE undertook to review and update the Ten-Day Notice rule, and how this process accords with the Administration Procedure Act?

Mr. STAUBER. Thank you very much. We will now go to the Ranking Member, Representative Ocasio-Cortez, for her opening statement.

STATEMENT OF THE HON. ALEXANDRIA OCASIO-CORTEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. OCASIO-CORTEZ. Thank you, Mr. Chairman, and thank you, Director Applegate and Principal Deputy Director Buccino, for being here.

The United States Geological Survey and the Office of Surface Mining Reclamation and Enforcement provide important, timely services to the American people. But this important work is being threatened by Republican budget cuts and some who are more focused on division than delivering for Americans.

Meanwhile, just last week, the House Appropriations Committee announced Republican budget numbers for Fiscal Year 2025 that would add billions to our already bloated defense budget and make cuts across the board to the programs that serve our constituents every day. Those pushing for cuts to these agencies don't want the American people to know the essential work they do day in and day out for the public and for private companies, too.

So, let me get into what USGS and OSMRE do for the American public. USGS is the Department of the Interior's science arm, providing the public, private companies, and government decision-makers with critical information about our public lands and resources. USGS scientists and partners provide non-partisan, actionable science on issues that touch all our everyday lives, from drought, to wildfire, to lifesaving, rapid-response information on natural disasters.

However, following this year's budget cuts which were already put into place, USGS' 2025 budget request is essentially at Fiscal Year 2023 levels when accounting for inflation, and that is before the Majority even tries to slash these services even further. While USGS plans to continue ramping up important work like their critical minerals research, this comes at the cost of cuts to crucial programs like wildlife disease monitoring, just as avian flu is making headlines yet again. We should not sacrifice one form of preparedness for another, but robustly fund all of USGS' important science programs.

OSMRE was created in 1977, when communities said enough was enough to pollution from coal mines and demanded the Federal Government regulate the industry and clean up abandoned mines. Under the Surface Mining Control and Reclamation Act, or SMCRA, OSMRE oversees the cleanup of pre-regulation mines and ensures currently-operating coal mines are responsibly mined and reclaimed.

Unfortunately, another critical cleanup program, the Abandoned Mine Land Economic Revitalization Program, or AMLER, which provides grants to states and tribes to clean up hazardous abandoned coal mines and supports economic and community development, has potentially been hamstrung by appropriations language slipped into this year's bill.

OSMRE was given only 90 days after enactment, until June 7, to get out all Fiscal Year 2024 AMLER funds to states and tribes or face steep daily budget cuts. If OSMRE fails to comply, they will face \$100,000 in budget cuts per day until all payments are made. While we all want to see this money get to coal communities as quickly as possible, this change is a drastic removal of all prior Federal oversight of how our public dollars will be used on AMLER projects. That shifts the burden of regulatory compliance to states and tribes, making them bear any risk associated with NEPA compliance on the use of these funds. I am concerned this will hurt, not help, the effort to restore and revitalize coal communities.

OSMRE is also charged with making sure current coal companies operate responsibly and clean up after themselves in order to protect communities and the public. However, coal communities are raising the alarm that many mines may be skirting their responsibilities, and that current financial assurances will not be enough to cover reclamations if the coal industry goes through another wave of bankruptcies, a very present concern in a declining industry.

Principal Deputy Director Buccino, I look forward to hearing what steps OSMRE is taking to hold these coal companies accountable, as well.

Members know that making budget cuts to critical agencies like the ones before us today is a lot easier when it is done quietly. But I am hopeful that we can use today's hearing to sound the alarm on the proposed budget cuts, and uplift the crucial work of these agencies before us today.

Thank you, and I yield back.

Mr. STAUBER. Thank you very much. The Chair will now recognize Members for 5 minutes of questioning. I now recognize myself for 5 minutes.

Dr. Applegate, the USGS develops the Critical Minerals List, which is updated every 3 years, as you know. However, the 2020 Energy Act specifically requires the USGS to "establish an analytical and forecasting capability when identifying covered minerals." Where is the USGS in developing this forecasting capability, and will forecasting metrics be incorporated when identifying the minerals on next year's updated list?

Dr. APPELATE. Thank you very much for that question, Mr. Chairman.

As we are developing the next list, we are focusing on the incorporation of modeling, for example, to try to look at different scenarios, and to incorporate that into the process. Now, this isn't getting us all the way to forecasting. Indeed, part of the President's budget request is to be able to really expand our capabilities instead of, right now we are doing a lot of sort of one-off kinds of modeling efforts. We are looking to be able to expand that.

There will be additional elements that would contribute, but not full-blown forecasting.

Mr. STAUBER. OK. I look forward to seeing what you have reflected in next year's list.

Ms. Buccino, where is OSMRE on addressing the backlog of state reclamation plan amendments?

Ms. BUCCINO. Thank you, Congressman. In terms of the review of state program amendments, we are working diligently to address those before us. We have 45 currently before us, but I am pleased to report that since last November we have reduced that backlog by 10 percent, and we are continuing to work hard to address the rest of them that are pending before us.

Mr. STAUBER. OK. Ms. Buccino, the AML fund directs money collected from coal production to help clean up mines deserted decades ago. Additionally, the Infrastructure Investment and Jobs Act appropriated an additional \$11.3 billion for AML cleanup, on top of the revenues from ongoing coal production.

However, OSMRE requires states to apply for grants from the traditional OSMRE funds and the IIJA funds separately, effectively doubling the states' offices' workload. To you, does this seem like an efficient use of either state or Federal resources?

Ms. BUCCINO. Congressman, we have, actually, three pots of money that we need to track separately. One is the fee-based AML programs, and then the BIL, the additional money that you referred to, the \$11.3 billion over 15 years. And then there is the third program, as well, AMLER. And it is important that we keep track of those funds separately.

We are consistently and constantly looking for ways to do that in an efficient as well as effective way, and, in fact, we have right now pulled together a group of OSM grant specialists with state grant managers to figure out how to simplify that process as much as possible.

Mr. STAUBER. I think that is good news, and, hopefully, you get to a good resolution. Thank you.

Ms. Buccino, how would streamlining the AML funding request process lead to a faster remediation of abandoned mine lands and quicker environmental reclamation?

Ms. BUCCINO. We have the same goal, I think, Congress' intent, both in terms of passing the Bipartisan Infrastructure Law with that additional, dramatic increase in funding, as well as the fee-based program, is designed to move coal communities forward and reclaim those abandoned mine lands, and turn them into productive future uses. And, absolutely, making the process of getting those projects reviewed and approved as efficient as possible is the best way to get those results on the ground.

Mr. STAUBER. Last question. When do you expect to publish the next iteration of AML guidelines?

Ms. BUCCINO. I am pleased to report that we have been working hard on that to get the Fiscal Year 2024 BIL guidance out, and you should expect to see that within the next couple of weeks.

Mr. STAUBER. OK. I guess my time is up. I am going to yield to the Ranking Member for 5 minutes.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chairman.

Critical minerals have been garnering a lot of attention recently, and for good reason. They are in everything from our cell phones, to wind turbines, and solar panels. The demand for certain minerals is projected to skyrocket to fuel the clean energy transition. And while we will need new minerals, this often leaves important aspects of the critical minerals supply chain out of the picture, as well, topics like recycling, research and strategies to reduce demand.

But, unfortunately, sky-high demand projections are being used to push for a new domestic mining rush and streamlining of mining permitting on public lands, which too often means cutting corners on environmental review, community input, and tribal consultation.

The USGS' Critical Minerals List is used to inform billions of dollars of Federal investments in new mines for critical minerals. But given the decades-long life spans of mines and the environmental impacts they can have, new mines should be the last resort, not the first, for getting the new minerals that we need.

Dr. Applegate, how does USGS incorporate unconventional sources like mine waste and recycling into resource assessments and critical mineral determinations?

Dr. APPLGATE. Thank you for that question. We try to look at the entire life cycle of minerals, from both looking at extraction, but also then understanding the downstream processes.

And I am very pleased. With direction from the Energy Policy Act of 2020, we have been able to increase, for example, our mineral commodities summaries, looking at and incorporating recycling into that sort of complete picture.

The Bipartisan Infrastructure Law expanded our Earth Mapping Resources initiative, which was initially focused at sort of in-ground resources, to expand that to include mine waste. And we have actually had very good partnerships with OSMRE as we work to understand what the potential is for being able to add that as a potential economic driver to help support reclamation in those areas.

So, I think we are trying to, in our analyses, get as complete a picture as we can of the life cycle for minerals.

Ms. OCASIO-CORTEZ. Thank you. And switching to OSMRE, the ongoing efforts and billions put into cleaning up abandoned coal mines should also be a stark reminder of the potential environmental, public health, and fiscal impacts of certain mining activities on our community, and we should be making sure that we are doing everything we can to hold the coal industry accountable for operating responsibly and cleaning up after themselves, instead of leaving it to the public.

I am concerned that financial assurances and state agencies will not be enough to reclaim mined lands that should be within the operators' responsibility. It has been brought to my attention that we are already seeing this happen in real time, with so-called zombie mines, where mines are labeled active but essentially abandoned by their operators.

Principal Deputy Buccino, can you speak to the work that OSMRE is doing to address this issue?

Ms. BUCCINO. Yes. Thank you, Congresswoman. We are looking into those questions, questions that have been raised both by non-profit citizen organizations and Congress. We also welcome the involvement of the General Accountability Office in this issue, and are actively supporting their investigation. In fact, we just had a meeting last week with GAO.

It is important to flag that your question raises a critical issue, and that is that regulatory oversight is actually going to be increasingly important as coal production declines. This requires more, not less, support for states. And that is why the Administration asks that Congress fully funds its request of \$65 million to support both OSMRE and the states' efforts.

Ms. OCASIO-CORTEZ. Thank you.

And to conclude, let's be clear about one thing here. The work that these two agencies do, OSMRE and USGS, is pivotal in ensuring the safety and wellness of everyday Americans and the folks that we represent. So, I think it is very, very important that we take these cuts seriously. People's health is on the line, their wellness is on the line. And we have to make sure that these mines are stewarded responsibly so people don't get sick.

Thank you very much.

Mr. STAUBER. Thank you. Next up, Representative Gosar, you are up for 5 minutes.

Dr. GOSAR. Thank you.

Ms. Buccino, until 3 years ago, the Office of Surface Mining and Enforcement met with states at least twice a year to review states' utilization of funding as appropriated by Congress for regulatory program grants under Title V of SMCRA. However, the Office of Surface Mining Reclamation and Enforcement discontinued this practice despite multiple requests from states for regular meetings.

After 3 years of these requests, the Office of Surface Mining Reclamation and Enforcement finally announced a small group meeting with states that will take place tomorrow. My question: Without the funding transparency these meetings provide, how are states able to get an accurate picture of their own program finances one year to the next?

Ms. BUCCINO. Thank you, Congressman, for the question, and I agree with you. Transparency, both in terms of funding and the activities of the agency, is critically important, as is cooperation between OSMRE and the states.

And I can report that, since coming onto this job, one of the things that I have enjoyed the most about it is the ability and the opportunity to work with the leaders of the state programs. In fact, that is why one of the first things listed in my written testimony, and what I reiterated in my statement, is the Administration's support for the regulatory funding for the Title V funding for the states, so that OSMRE can help them do the job of overseeing operating coal mines, and to ensure the protection of the public safety, health, and the environment.

Dr. GOSAR. OK. As the Office of Surface Mining calculates and distributes each state's share of Federal funding, will the Office of Surface Mining commit to providing up-to-date, regular briefings with states to discuss these funds' disbursements?

Ms. BUCCINO. I should share that it was just earlier this month, in fact, that we did actually already get out the distribution of regulatory grants to the states for Fiscal Year 2024, and that was \$62.4 million. So, I am pleased to report that. And as I said, those monies are critical. OSMRE cannot do its job if the states can't do theirs.

Dr. GOSAR. Got you. Under the Infrastructure Investment and Jobs Act, the Abandoned Mine Land Fund received an influx of \$11.3 billion to help clean up deserted mines that were done decades ago. What is the Office of Surface Mining doing to work with states to ensure personnel at the state and Federal levels are adequately trained to handle this massive influx of funds?

Ms. BUCCINO. I am not sure I heard your question exactly clearly, but you are interested in what we are doing to ensure an accurate, efficient, effective investment of those funds?

Dr. GOSAR. Absolutely. If you can make it really quick, I have some really interesting follow-ups.

Ms. BUCCINO. OK, very good. Well, we take that job very seriously in terms of ensuring that those funds are actually used on the ground, consistent with the intent of Congress in the Bipartisan Infrastructure Law.

And the process by which we use of awarding grants and then evaluating projects and issuing authorizations to proceed is a critical part of delivering Congress' intent and delivering to the American taxpayers. So, we use that process to look at compliance with a variety of Federal laws, and also Build America, Buy America, and a variety of applicable laws.

Dr. GOSAR. In your budget justification, you estimated that the AML funds were being dispersed at a rate of approximately \$725 million a year. Are you on pace to distribute that amount this year, yes or no?

Ms. BUCCINO. Yes, we are.

Dr. GOSAR. OK. Now, since Congress appropriated billions towards remediation, are you seeing an increased pace of abandoned mine cleanup nationally? Have you seen an increase in that?

Ms. BUCCINO. Yes, and it has taken quite a bit of work on the part of OSMRE employees and the states. We have ramped up our staff, and I can say that I have had the pleasure of getting out to see some of the results that are happening. I was able to travel to Pennsylvania, where a community, Bovard, is proactively being able to address, with a local cement company, the subsidence that is happening there as a result of past coal mining, proactively protecting 130 homes, rather than waiting for the subsidence to harm the structure of those homes.

Dr. GOSAR. Let me ask you, really, one more question. We have had this conversation for a long period of time here. Have you leveraged money in any way in which to use special interest groups like Trout Unlimited, the Audubon Society, who have volunteered time and money to help mitigate some of this?

And then, have you also leveraged neighboring mines? I mean, the Resolution Copper Company, which I got through in 2011, hasn't produced a single piece of copper, and yet they have spent over \$2 billion remediating around them an old mine that was over

100 years old. So, are we looking creatively at how do we expand this to make this work really, really interestingly?

Well, I think the biggest thing was the Ranking Member at the time did not care for the liability protection. If you are remediating this to code, doesn't that suffice to make it work right?

Ms. BUCCINO. Well, if I am hearing the question in there correctly, you are asking me if we do leverage partnership with local and state groups and governments. And, absolutely, that is the only way we can do the job that Congress gave us under the Bipartisan Infrastructure Law.

Dr. GOSAR. But also look at mining companies that are nearby, because they are very interested. They have the means, and it works out very well.

Thank you for the indulgence, Mr. Speaker.

Mr. STAUBER. Thank you very much.

Representative Lee from Nevada, you are up for 5 minutes.

Ms. LEE. Thank you, Mr. Chairman and Ranking Member, for hosting this hearing. I want to thank our witnesses.

Mr. Applegate, I want to turn to you. I have a particular interest in the continued development of the OpenET program. This is a key public-private partnership providing early, accessible, satellite-based evapotranspiration data for improved water management across Nevada and the West. The OpenET community includes stakeholders ranging from individual farmers making irrigation decisions at the field scale to agencies across all levels of government who are making decisions about drought and water budget assessments at larger scales.

And I can't stress, living in Nevada in the drought that we are experiencing, just how important this tool is for water management.

On the Appropriations Committee, I led the effort to increase funding within the USGS for the OpenET program from \$1.5 million to \$3.5 million in Fiscal Year 2023. And I worked hand in hand with Republican colleagues from former Representative Chris Stewart to current Interior Appropriations Chair Mike Simpson to successfully maintain that level of funding in Fiscal Year 2024.

As you are well aware, the USGS plays an important role in the OpenET program, together with NASA and USDA and a multitude of non-governmental partners ranging from the Environmental Defense Fund to Nevada's own Desert Research Institute. My question to you is simple. I am just sort of perplexed as to why, for a second year in a row, the USGS is proposing to cut the funding for OpenET by more than 85 percent, from \$3.5 million down to half a million.

Dr. APPLEGATE. Thank you for your question and, yes, evapotranspiration is a key element of understanding water budgets, particularly in the arid West. We have been part of the broad OpenET consortium to look at how these remote sensing technologies can be applied to that.

The budget request includes a number of hard choices, and this would allow us, at the levels that are proposed, we would be able to continue to refine the approach for the 17 Westerns, for the arid states. But it would extend the time frame in terms of expanding that work, looking at it on a more national scale.

Ms. LEE. Well, I was just curious if this was a way for the USGS to signal that the funding for this program, even with its bipartisan backing in Congress as well as the 18 states comprising the Western State Water Council, if maybe it would be on a firmer foundation at NASA or another agency. Is that the signal you are hoping to send?

Dr. APPLGATE. We are not attempting to send any particular signal with this, other than that, in a constrained budget environment, we have had to make some hard decisions.

But, again, I will emphasize we are very much part of a broader consortium, including other agencies, including NASA, and I think the ultimate success of this, particularly as we think about it from the standpoint of ultimate implementation, is going to take sort of an all-hands-on-deck approach to be able to get there.

Ms. LEE. Thank you. I just want to reiterate the support that this has received from both parties here in the House. And even just last week the Vice Chair of the Colorado River Caucus, Representative Celeste Maloy of Utah, just signed on as the newest co-lead in my OpenET Act bill. So, hopefully, we can continue to work to further grow this program.

I want to turn now to Earth MRI. Under the Bipartisan Infrastructure Law, as you know, \$320 million was provided for that. Can you update us on what progress that USGS is making on this, on Earth MRI, on decreasing the nation's reliance on foreign sources of critical minerals, and also on assisting and locating mapping of abandoned hardrock mine sites?

Dr. APPLGATE. Thank you for this question and, of course, we are very excited by the increased investment made possible through the Bipartisan Infrastructure Law in Earth MRI, and the strong partnership that it represents with the state geological surveys, as well as the private sector in terms of the data acquisition.

One of the early collaborations with the states was to be able to really identify those areas with the greatest prospectivity across the nation, and that was an important first step. And now, with this additional investment, we have been able to conduct geologic mapping, geospatial data acquisition, geophysical, geochemical, some incredible partnerships and leverage.

You mentioned NASA earlier, for example. We have been able to do an incredible amount of hyperspectral data acquisition over Nevada and adjacent states. I think we are seeing significant progress in terms of being able to work toward the long-term goal of being able to get to a quantitative assessment for critical minerals, particularly those essential for clean energy supply chains.

Ms. LEE. Great. Thank you, I am out of time. Thank you, sorry.

Mr. FULCHER [presiding]. The Congresswoman yields. I will recognize myself for 5 minutes, and this is going to be a question for Dr. Applegate.

But I need to give you a quick statement up front to kind of set that question up. I represent the state of Idaho, and the U.S. Geological Survey has been a good partner for Idaho. So, thank you for that. And one of the major issues for my state is that the many programs within the USGS need a one-to-one match. And in a small state like Idaho, that is not always easy to do. We have a

total budget for that of about \$1.2 million, so it is pretty much impossible to apply for all those programs.

The Idaho Geological Survey ends up being slightly penalized in comparison to, say, larger states who can maximize those asks because of that match. One example of that recently was the state map award which was capped at \$800,000, and the Idaho Geological Survey simply could not apply for that full amount. Over the past three decades, Idaho has received around \$6 million through the USGS state map program. So, you can kind of see the quandary there. Yet, this does have a very big economic impact.

So, Dr. Applegate, just for some counsel, are there ways or is there any advice on how to maximize the USGS programs if you are a smaller state?

Dr. APPLEGATE. Thank you for that question. And the matching requirements that are associated, legislatively, for several of our cooperative programs, the wonderful thing about it is the amount of leverage that it produces. Often, we see states exceeding that match or other cooperators, but recognize the challenge that it represents, as well.

We have tried to work with our State Geological Survey partners to take as an expansive view as we can in terms of in-kind support within the constraints that are provided under the law.

I will also say that there are other elements, for example, when it comes to geologic mapping, some of the Bipartisan Infrastructure Law investments have not required that same matching. So, that has made it possible to really expand some of the state involvement. And the state geological surveys have been an absolutely central partner in that endeavor.

Mr. FULCHER. I thank you for that feedback. I might just point out for the record that part of the reason of the budgetary constraints is that nearly two-thirds of the land mass in my state is federally owned. So, that has a ripple effect through various budgets, as you might imagine.

But to shift gears a little bit, but I would like to stick with you, Dr. Applegate, with another question, the USGS publishes a critical mineral list every 3 years, and minerals are evaluated under several parameters, including whether they are essential to the economic and national security of United States.

Dr. Applegate, which critical minerals in the United States are the most import-reliant?

Dr. APPLEGATE. Thank you for that question, and yes, we put out a wonderful chart that kind of helps to underscore this. We have quite a number. I can submit it for the record. I actually have a copy of it here I would be happy to provide.

One of the aspects, of course, that we look at in terms of the criticality of the minerals is, as you mentioned, whether it is essential, also understanding the vulnerability of supply chains, because the key is that it is not just whether it is import-reliant, it is who are we reliant on.

So, particularly looking at these are partners with whom we have a long-standing trade agreements.

Mr. FULCHER. That is where I was going to go with this next.

Dr. APPLEGATE. Yes, so we factor that in, as well.

Mr. FULCHER. Sure. I want to try to factor in one more question, if I can. Are we 100 percent import-reliant on anything? Can you just fast forward to that 100-percent question?

Dr. APPLGATE. Yes, we are 100 percent reliant for a number of different mineral commodities.

Mr. FULCHER. OK, all right, thank you. I am going to try to get a quick question in.

[Pause.]

Mr. FULCHER. Maybe I will not. I will yield my time because I will submit some for the record because this is going to take a little while, but I have some additional ones, as well.

With that, I recognize Ms. Kamlager-Dove for 5 minutes.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair.

Dr. Applegate, last year alone the United States experienced 28 climate disasters that caused over \$1 billion in damages each. All together, they caused \$94.2 billion in damages and killed at least 492 people.

I represent very urban Los Angeles, and even we were devastated by floods. I was watching homes slide down Stalker Avenue. We had never seen anything like that, yes, ever. So, we know that it is getting worse, and we know that climate change is real.

How does USGS help communities across the country understand, prepare for, and adapt to climate change?

Dr. APPLGATE. Thank you for your question. And, absolutely, as the climate is changing, this poses significant challenges for land and resource managers, for emergency managers, and for communities across the country.

A lot of the science that the USGS does related to climate is, I emphasize, very practical, pragmatic. This is about understanding what those impacts are, whether it is intensification of, for example, the wildfire debris flow cycle, and being able to better characterize that so that the communities that are at risk are better prepared for that, or whether it is, we also, of course, work on not just the adaptation side, but also working from a mitigation standpoint to understand carbon sequestration, whether it is geologic or in biologic systems, what the potential is for that.

So, there are just a lot of very practical issues that communities are wrestling with. This is why we have the climate adaptation science centers. These university consortiums allow us to tap into an incredible range of expertise to match with our own expertise and our science centers. And they are all about answering and addressing the questions that the stakeholders in those regions, in those areas are wrestling with. So, this is a major focus for our science, whether it is changes in ecosystems, or whether it is changes to the landscape.

Ms. KAMLAGER-DOVE. Thank you for that. And I think your budget request of \$69 million for the Climate Adaptation Science Centers seems not only wise, but practical and pragmatic, as well.

We have also heard some criticisms from across the aisle that some USGS programs are not specifically authorized, and therefore potentially not in line with your mission. Could you please clarify the authorities granted to the USGS by the 1897 Organic Act, and

why it is important for a science agency to have flexibility to address emerging issues?

Dr. APPELGATE. Yes, thank you for that question. And we do have a broad Organic Act that authorizes a wide range of work. We also have lots of specific authorizations that Congress has subsequently provided additional guidance related to a number of issues.

I think that having that sort of broad approach has been very important for the USGS as we have evolved to be able to address the most challenging environmental and natural resource and public safety issues. When the USGS was formed back in 1879, it was to understand the resources of a physically expanding nation. Today, what is expanding is population, the economy, technology, and is producing an incredible range of complex issues that we need many different disciplines to be able to try to get at.

And I think that that sort of broad scope that the USGS has is what enables us to be effective. I often say it is not the one thing that we bring to bear, it is that ability to bring a range of capabilities to help address these really complex issues.

Ms. KAMLAGER-DOVE. Great, thank you.

Now, turning to OSMRE, Principal Deputy Director Buccino, it is my understanding that AMLER has directed over \$900 million into Appalachian and tribal communities who have been devastated by legacy mining. So, in the short time that we have left, can you share where you have seen success in this program, and how Congress can help support those successes?

Ms. BUCCINO. Yes, thank you, Congresswoman. I am very proud of the impact that the AMLER program has had, and I was lucky enough to actually visit one of the sites at the Eastern Kentucky Advanced Manufacturing Institute. And hearing the stories of former coal miners, seeing the excitement and the pride in their faces as they were preparing for new jobs and careers in automation and robotics was actually one of the best days I have had on the job so far.

I should flag that this change that was put in to this year's Fiscal Year 2024's enacted appropriations bill requiring the payment within 90 days, I have some very serious concerns with that because it removes our ability to use that grant and ATP process to provide the oversight, both fiscal oversight and compliance with what SMCRA requires, how those funds are to be used.

So, as was mentioned by the Ranking Member, the effect of that, paying that money, having to pay it, which we do intend to comply with, we will be making those payments by the 90 days, by June 7, but the effect of that is that the compliance duties and responsibilities are going to be left with the recipients, the states and the tribes, without any additional resources to address those.

Ms. KAMLAGER-DOVE. Thank you.

And Mr. Chair, thank you for letting her answer the question completely.

Mr. STAUBER [presiding]. You are welcome.

Ms. KAMLAGER-DOVE. I appreciate it.

Mr. STAUBER. I now recognize Representative Hageman from Wyoming for 5 minutes.

Ms. HAGEMAN. Thank you. I first want to note that the billion-dollar club that was referenced by my colleague on the other side

doesn't actually calculate the cost of so-called climate-related disasters. And, in fact, at this point NOAA is refusing to provide the information in support of their so-called billion-dollar club. But we will continue to dig into that, get the information. But that doesn't relate to climate and weather-related events.

Dr. Buccino, as you are probably aware, the BLM recently announced its final SEIS and amendment to the Buffalo Field Office's Resource Management Plan. The RMP laid out three alternatives, two of which were terrible for the state of Wyoming and the nation as a whole, and will literally cost our economy tens of billions of dollars, if not trillions of dollars over time. Unfortunately, the BLM selected the No Leasing Alternative, which ends all Federal coal production in the Powder River Basin by 2041.

Director Buccino, yes or no, are you aware of this RMP?

Ms. BUCCINO. Yes Congresswoman, I am, but it is not a decision that OSMRE made.

Ms. HAGEMAN. I understand that, but you were aware that that RMP was recently issued? I believe it was on Friday.

Ms. BUCCINO. Yes, I am.

Ms. HAGEMAN. Assuming that you are aware of the importance of the Federal revenue generated through coal mining, were you consulted at any point in the BLM's decision related to that RMP?

Ms. BUCCINO. So——

Ms. HAGEMAN. Yes or no.

Ms. BUCCINO. Well, you know, I don't have that answer with me, but I will——

Ms. HAGEMAN. You don't know whether your office was consulted or not?

Ms. BUCCINO. A lot of the work happens by the hard-working, talented staff of the agency.

Ms. HAGEMAN. Sure. Were you personally consulted before the BLM made this decision to stop all coal production in the Powder River Basin in Wyoming?

Ms. BUCCINO. I was not personally consulted.

Ms. HAGEMAN. Thank you.

Ms. BUCCINO. Wyoming produces 40 percent of the nation's coal and, as you are no doubt aware, fees from coal produced on Federal lands support the Abandoned Mine Lands, or AML fund, which goes to cleaning up mines that were deserted decades ago. Did the BLM consult with you to determine how placing a moratorium on Federal coal leasing today will affect the AML and environmental remediation in the future?

Ms. HAGEMAN. Not with me personally.

Ms. HAGEMAN. The coal industry currently employs 5,111 individuals, 4,400 in the Powder River Basin, at an average wage of \$95,000 per job. This is well above the state average of \$53,000 per job, and each of these jobs supports another two jobs in the service and supply sectors.

As the primary agency overseeing regulating coal mines and abandoned mine lands, how are you preparing to mitigate the impact of these lost jobs?

Ms. BUCCINO. Well, as you know, Congresswoman, I actually come from Wyoming, and I care very much about those

communities. In fact, I was working at the University of Wyoming to help those communities.

Ms. HAGEMAN. But what are you doing to address these lost jobs?

Ms. BUCCINO. Let me make clear that was not our leasing decision. We do oversee the mining plans, and we are moving forward. In fact, we have approved mining plans——

Ms. HAGEMAN. So, at this point you don't have a plan of action in place to address those lost jobs?

Ms. BUCCINO. We are doing what we can within our authority.

Ms. HAGEMAN. OK. Dr. Applegate, the United States has an abundance of minerals that can and should be developed to increase energy reliability, stimulate our economy, and make us less dependent on foreign countries.

The Energy Act of 2020 defines critical minerals to include minerals that the supply chain of which is vulnerable to disruption, et cetera.

Currently, Russia produces about 20 percent of the global potash supply, while China produces about 10 percent, and the United States has an estimated 1.07 billion tons of recoverable ore and about 243 million tons of potassium oxide deposits.

Dr. Applegate, you are aware, aren't you, that fertilizer is considered one of the four pillars of modern civilization, the other three being cement, steel, and plastics, all of which require coal and petroleum products to produce?

Were you aware that fertilizer is one of the four pillars of a civilized society?

Dr. APPLGATE. Fertilizer is absolutely essential for the modern economy, absolutely.

Ms. HAGEMAN. And does the Service agree that, considering growing demand for fertilizer on a global scale, that it is absolutely essential that we don't allow China and Russia to control such an essential market?

Dr. APPLGATE. Our focus is on the specific mineral commodities. We are tracking both potash, as well as phosphate.

Ms. HAGEMAN. Have you considered putting potash and phosphate or phosphorus on the Critical Minerals List?

Dr. APPLGATE. Both have been considered. In the case of potash, we do rely on imports, but they are almost exclusively from Canada, as well as we have mining in multiple states.

In the case of phosphate, we do produce more than 80 percent of that domestically, and our reliance for imports is largely on Peru, which has been a stable trading partner.

Ms. HAGEMAN. Again, are you going to consider putting either one of these on the Critical Minerals List?

Dr. APPLGATE. Yes, these are minerals that, with each round of the Critical Minerals List, we have a methodology, we will apply that to those minerals for consideration. They are not currently on the list for the reasons that I cited, but absolutely, we are always looking——

Ms. HAGEMAN. Are you considering putting them on the list now?

Dr. APPLGATE. We are considering them for the upcoming list that we are mandated under the Energy Policy Act of 2020 to deliver. We are working on that right now, and we are targeting for the 2025 time frame.

Ms. HAGEMAN. Thank you, and I yield back.

Mr. STAUBER. Thank you.

Representative Tiffany from Wisconsin, you are up for 5 minutes.

Mr. TIFFANY. Thank you, Mr. Chairman.

Ms. Buccino, is it correct that OSM recently finished the rewrite of the 10-day notice rule?

Ms. BUCCINO. Yes, that is correct.

Mr. TIFFANY. What was wrong with the version that was done in 2020?

Ms. BUCCINO. We engaged in that rulemaking after a review that was requested of us in a direct Executive Order from the President. And as a result of that review——

Mr. TIFFANY. So, the President directed you to rewrite that rule. Is that accurate?

Ms. BUCCINO. Sorry, not specifically. What the President directed was that the agencies look at a variety of regulations that had previously been issued. We did our job to do that, and there were ways that we felt would be more consistent with SMCRA by making some changes.

Mr. TIFFANY. So, when the President tells you to look at something, it is probably not a maybe, is that right? It is a directive?

Ms. BUCCINO. It was an Executive Order to review the regulations.

Mr. TIFFANY. Mr. Chairman, I would just say, when the President says you need to look at something, they are probably saying, “Do it.” So, the President was behind the rewrite of the 10-day notice rule that was just rewritten in 2020.

Doesn’t SMCRA give primacy to the states, Ms. Buccino?

Ms. BUCCINO. SMCRA does set up a process for which states can obtain primacy.

Mr. TIFFANY. Did the states ask for this change to the 10-day notice rule?

Ms. BUCCINO. As I mentioned, the review that occurred was the result of an Executive Order, which has been done by other presidents that come into office, as well.

Mr. TIFFANY. In the 10-day notice rule that is written now under your version, isn’t it correct citizen complaints have been elevated above consultation with local and state governments?

Ms. BUCCINO. No, Congressman, that is not the case in terms of elevated above. But SMCRA does explicitly provide for a process by which citizens have the right to come to OSMRE with a possible violation. States then are the ones who are directed and left to address that potential violation and respond to it.

Mr. TIFFANY. But you included that in this recent 10-day notice rule in regards to citizen complaints, correct?

Ms. BUCCINO. We were acting consistent with SMCRA.

Mr. TIFFANY. But you elevated it to an even higher authority. Isn’t that correct?

Ms. BUCCINO. I am not quite sure I understand the question.

Mr. TIFFANY. Yes, I will move on to another question here.

Did you consult and coordinate with the states before writing this 10-day notice rule?

Ms. BUCCINO. Yes, we received numerous comments from the states as part of the rulemaking process.

Mr. TIFFANY. OK, Not comments, not comments. You are required to coordinate with states and local governments. The establishment of rank equal, not subordinate. Did you sit down at the table with them and say, "The President has directed us to rewrite the 10-day notice rule. Will you help us do that?" Did you have that discussion with those states like Wyoming?

Ms. BUCCINO. What I can tell you, Congressman, is that the process we followed is the one that is laid out in the Administrative Procedure Act to engage in rulemaking. And that is what we did, which included reviewing numerous comments by states, as well as other stakeholders.

Mr. TIFFANY. Yes, this is not coordination or consultation in any way, shape, or form, Mr. Chairman, and we have been hearing this for a couple of weeks now from the Administration officials that have been coming forward.

Yes, "We heard comments," and things like that. That is not how it works. It is when these fundamental environmental laws that were put in place back in the early 1970s, when they were put in place lawmakers here made it very clear you must sit down and treat these local and state units of government as equals so that they would have a say. Legislators, congressional members of the time, they knew the Federal Government could be overarching. And that is exactly what we are hearing today. They decided to do this.

Because states have told us, Ms. Buccino, that they were not given a voice at the table. They have told us that.

You said the industry is in decline. Why is it in decline?

Ms. BUCCINO. You are asking why? You are asking me why the coal industry is in decline?

Mr. TIFFANY. That is right, yes.

Ms. BUCCINO. I think there are a variety of reasons. And I guess, if I had to pick one, I would say there are market forces that have resulted. And I am pleased to have come to OSMRE because of the job that it is doing in coal communities to help them move forward.

Mr. TIFFANY. Those are not market forces, Mr. Chairman, when the Federal Government tries to put you out of business. And when the President himself is behind this effort, as with the 10-day notice rule, people can fully understand why we see a country in decline.

I yield back.

Mr. STAUBER. Thank you very much. Now we will go to Mr. Rosendale from Montana.

You are up for 5 minutes.

Mr. ROSENDALE. Thank you, Chairman Stauber, and thank you for holding this hearing on the budgets for OSMRE and the United States Geological Survey. And I thank both the witnesses for showing up today.

It is crucial for Montana that the Federal agencies are benefiting our constituents, rather than threatening their livelihoods. Under Biden, OSMRE has shown that they are more focused on radical climate agenda than serving the citizens who actually pay their salaries.

Ms. Buccino, this is basically a budget hearing. So, while we talk about a lot of policy issues, I do want to get directly to the

spending. And while your request for your budget is \$304 million, that is not a true reflection of your total spend. And the American people that are out here listening, once again, as I did last week, need to understand that this is becoming, unfortunately, the norm for all of the agencies that are coming in here. They say, "We are only requesting \$304 million," when in reality you are going to be spending about, according to my calculations, \$1.58 billion for 2025. That seems to utilize roughly \$1.2 billion from the Infrastructure Investment and Jobs Act.

So, this is something that we are not even having discussions about because it is not falling under the request by the \$304 million. But of that \$1.58 billion, \$11.3 billion over the next several years is dedicated exclusively for salaries, of which \$22.6 million a year is set aside for salaries. And again, the American people, they need to understand that.

In addition to that, isn't it true that these funds are also going to be used for economic revitalization such as advanced manufacturing and renewable energy deployment?

Ms. BUCCINO. Congressman, I am glad you brought that up, because those funds that you are referring to are the funds that were directly provided to OSMRE through the Bipartisan Infrastructure Law. And what the agency, OSMRE, is able to do with that, really, once-in-a-lifetime investment is help communities. We are working in partnership—

Mr. ROSENDALE. Look, here is where I am. Here is what my obligation is. When I have an agency head come in and say, "I am requesting \$304 million," and act like that is what your budget, how much it is going to be, and we hear from my colleagues on the other side of the aisle about these dramatic cuts that these agencies are going to have to experience, when you take the total money that you are going to be receiving from the IIJA, you actually had \$11.3 billion. If you didn't accept any appropriated funds, none, zero, you would actually be able to fund your agency for 37 years, 37 years if there weren't any additional appropriated funds.

And when you take the appropriated funds and you add that with the IIJA funds that you are going to be bringing in, it actually increases your request by fivefold. It is five times the amount that you are going to be appropriated and budgeted. So, there is a lot of money that is going to be spent there that this body doesn't have much to say over in any given year.

Ms. BUCCINO. Well, Congressman—

Mr. ROSENDALE. Excuse me. The OSMRE has recently further delayed the proposed completion dates of the EISs, or supplemental EISs, for Montana mines of Bull Mountain, Spring Creek, and Rosebud. These delays have pushed the EIS completion dates beyond the point where the mines have enough permitted coal to continue their operation. OSMRE continues these delays, contrary to the representations they have made in Federal courts, risking serious economic destruction to Montana.

So, when will your agency complete the required NEPA process for these delayed actions in Montana for Rosebud area F EIS that your agency estimated the completion date for April 2025? That date is 18 months after the original estimate of November 2023, and 4 months after the court-mandated date of January 2025,

when the court will vacate the Rosebud's entire Area F plan, leaving Rosebud no remedy.

When can we expect the NEPA process to be completed?

Ms. BUCCINO. Congressman, I would be remiss if I did not flag that most of the money you were identifying are direct funds that are going to the states. In fact, it is over \$10 billion that are funds that are going to the states and the local communities.

Mr. ROSENDALE. But up to 3 percent of the amounts made available under this heading in this Act shall be for salaries. I am just reading from the text.

So, when can we expect the EIS and the NEPA process to be completed for the mines of Montana?

Ms. BUCCINO. Well, the BIL money is not helping with that, but we are working diligently. We intend to comply with the law, and we are working diligently to meet those applicable deadlines.

Mr. ROSENDALE. Mr. Chair, if you would, just give me one more moment.

The law says that you are supposed to have it completed by January 2025, and you are already saying that Area F EIS is going to be completed in April 2025. So, you are already telling us that you are 4 months beyond the date ordered by the court.

Ms. BUCCINO. Our intent is to comply with the law, and we are doing all that we can to do so. Thank you.

Mr. ROSENDALE. Thank you, Mr. Chair, I yield back.

Mr. STAUBER. All right. I want to thank the witnesses for their testimony and the Members for their questions this afternoon.

The members of the Subcommittee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on Tuesday, May 28. The hearing record will be held open for 10 business days for these purposes.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 4 p.m., the Subcommittee was adjourned.]

