

**COMMITTEE ON NATURAL RESOURCES**

# **Oversight Plan**

**113<sup>th</sup> Congress**



**Chairman Doc Hastings**

**Adopted January 23, 2013**

## **Introduction**

Under clause 2 of Rule X of the House of Representatives, each standing committee of the House has general oversight responsibilities to determine whether laws and programs addressing subjects within its jurisdiction are being implemented in accordance with the intent of Congress to determine whether they should be continued, reformed, curtailed, or eliminated.

Congress has a responsibility to keep the Executive Branch accountable to the American people and ensure that decisions by agencies are open and transparent. During the 112<sup>th</sup> Congress, the Committee on Natural Resources conducted thoughtful oversight on a number of specific issues and policies administered by the U.S. Department of the Interior and other agencies under the Committee's jurisdiction – seeking answers to how and why policy decisions are made, who made the decision, and how it affects people, our economy and the environment.

In the 113<sup>th</sup> Congress, the Committee, and its five Subcommittees, will continue to pursue aggressive oversight of the Executive Branch. Through oversight hearings and investigations the Committee will focus its oversight efforts on promoting job creation and economic growth, reducing spending and ensuring responsible use of taxpayer resources, and protecting public access to public lands and waters for recreation and economic development.

This oversight plan outlines the initial, primary focuses of the Committee and Subcommittees, though additional oversight activities are expected to be generated throughout the first and second sessions of the 113<sup>th</sup> Congress.

## **Subcommittee on Energy and Mineral Resources**

**Job Creation through All-of-the-above Energy Production** – The Subcommittee will focus on the importance of increasing all-of-the-above domestic energy production in order to create new high-paying jobs and increase our economic competitiveness. In February 2010, the Department of the Interior released a jobs report that showed that 1.4 million Americans were employed in jobs related to programs and activities of the Department. Nearly half the jobs identified in the report were related to oil, natural gas and mining activities on federal lands, and yet those activities only occupy a small fraction of the total lands managed by the Department. Over the next two years, the Subcommittee will focus on efforts to create jobs, and subsequently fight job destruction, and flight of capital from the federal lands states as a result of changes in Departmental policies.

**Outer Continental Shelf (OCS) Oil and Natural Gas** - The Subcommittee has jurisdiction over the administration of the Outer Continental Shelf Lands Act (OSCLA) and will work to ensure safe and responsible production of America's offshore oil and natural gas resources. The Subcommittee will build upon oversight and legislative efforts pursued last Congress to reform the Offshore Planning Process, direct specific offshore lease sales, codify the reorganization of the former MMS, and promote new safety efforts.

**Federal Budget and Spending** – The Subcommittee jurisdiction covers five Interior Department Agencies and programs within two others: U.S. Geological Survey (USGS), Bureau of Ocean Energy Management (BOEM), Bureau of Safety, Environment and Enforcement (BSEE), Office of Natural Resources Revenue (ONRR), Office of Surface Mining (OSM) and the energy and minerals programs of the Bureau of Land Management (BLM) and U.S. Forest Service (USFS). The Subcommittee will examine each of these agencies for opportunities to streamline, reduce costs, and either close or consolidate outdated programs. The Subcommittee will particularly focus on those programs that have seen significant growth over the last few budget cycles or sudden significant spikes in funding as a result of Departmental decisions.

**Onshore Oil and Natural Gas Programs** – In the 113<sup>th</sup> Congress the Subcommittee will focus on the state of oil and natural gas leasing on federal lands in the western United States. This will include leasing delays and declines in production from federal lands, reforms to streamline onshore energy leasing and permitting, development of oil shale resources, access and leasing in the National Petroleum Reserve-Alaska (NPRA), and access to ANWR. This Congress there will be additional oversight on Alaskan oil and natural gas development by reviewing NPRA administrative reforms and an in depth review of the Administration's regulation of hydraulic fracturing.

**Renewable and Alternative Energy** – In the 113<sup>th</sup> Congress, the Subcommittee will conduct oversight over current solar, geothermal and wind programs operated by the BLM and USFS and examine steps necessary to speed the deployment of these technologies on federal lands. There will also be focus on the status of renewable energy of federal lands after four years of inaction through planning by the Administration. In 2010, the first federal lease for offshore wind was issued in the federal waters of Nantucket Sound and since then only 1 other non-competitive lease has been issued (Oct 2012, offshore Delaware) and not a single OCS Lease sale has been held. The Subcommittee will examine what steps if any are needed to help streamline the leasing and permitting of new wind facilities on the OCS to ensure that companies and others interested

in promoting OCS wind resources are not delayed by federal bureaucratic red tape. Although there have been a handful of permitted projects, onshore solar development has been stymied by a multi-year effort to identify solar energy zones that many feel are not conducive to solar energy development. The finalization of these zones in late 2012 left many wondering what the path forward will be for onshore solar projects that are not in zones, how new zones will be established and if development in the zones will be competitive. The Subcommittee will also conduct oversight on the status of domestic geothermal development.

National Mineral Security Strategy – The Subcommittee will conduct oversight on domestic mineral resources, current and planned production, and possible future production opportunities, including of critical minerals.

Coal Mining Regulations and Leasing – The Administration and Department of the Interior continue to wage a war on coal. The Subcommittee has conducted and will continue extensive oversight of the job-destroying regulatory changes, such as the Stream Buffer Zone Rule, proposed by the Administration to stifle coal mining, production and use. Both the Subcommittee and Full Committee will focus on this issue through both legislative relief and aggressive oversight.

United States Geological Survey – The Subcommittee for several years has had growing concern over the path and programs operated by the USGS. Particularly of concern are the growing non-resource or hazard programs at USGS and other Department programs; USGS data quality dependence on outside data; mineral and energy programs focused on stopping mineral development not promoting it; and mapping programs. The Subcommittee intends to closely examine the current operations of USGS and may consider legislation to consolidate and streamline the focus of the agency to reduce waste and duplication not only in the USGS but across agencies.

Federal Mapping Programs – The federal government spends billions each year on new geospatial data. This spending, including tens of billions in the stimulus act, is frequently wasteful, duplicative and uncoordinated. During hearings last year, witnesses were clear that multiple Administrations have had this problem with little control, central oversight or effective management. The Subcommittee intends to reexamine this issue and may consider legislation to consolidate and streamline the Department's geospatial programs to reduce waste and duplication. In addition, the Subcommittee intends to conduct oversight of federal agencies and how they track and monitor their land management responsibilities and purposes.

## **Subcommittee of Fisheries, Wildlife, Oceans and Insular Affairs**

**Budget Review** - The Subcommittee will conduct oversight of the budgets of the U.S. Fish and Wildlife Service and the Office of Insular Affairs, within the Department of the Interior and the National Marine Fisheries Service, and certain “wet” programs of National Oceanic and Atmospheric Administration, within the Department of Commerce. The Subcommittee will examine how the more than \$500 million provided to these agencies in the Disaster Relief Appropriations Act of 2013 will be spent to repair damages caused by Hurricane Sandy. In addition, how these funds will affect the operations and maintenance backlog of these agencies. According to FWS, the backlog for their 560 refuges now exceeds \$3.4 billion and there are more than 12,000 deferred projects. Subcommittee will resume its oversight of this growing backlog and will continue to inquire why FWS is committed to acquire an ever increasing amount of private land while doing an increasingly poor job of managing what they already own.

**Convention on International Trade in Endangered Species** - The Subcommittee will continue its oversight role in monitoring the Administration’s implementation of proposals which may be adopted by the Convention at the upcoming 16<sup>th</sup> Conference of the Parties.

**Invasive Species** - Thousands of acres of public land in the United States are overgrown by invasive species. These foreign invaders are destroying valuable infrastructure, preventing recreational opportunities and are costing federal taxpayers millions of lost dollars. During the last Congress, the Subcommittee conducted several hearings on invasive species and intends to continue examining ways to effectively address the problems caused by non-native species.

**Lacey Act** - The Subcommittee will conduct a series of comprehensive oversight hearings on various provisions that have been added to this federal law since its original enactment in 1900. Among the issues to be examined are: why are American citizens required to comply with foreign laws, why individuals are denied “innocent owner” protections under the Lacey Act and what has been the impact of the Legal Timber Protection Act of 2008.

**Public Access within the National Wildlife Refuge System** - During the past two years, the Subcommittee was contacted by several Representatives concerning development of specific Comprehensive Conservation Plans for refuges, which are required by the National Wildlife Refuge System Improvement Act of 1997. In some instances, these plans became controversial and had the potential to negatively impact public access for anglers, hunters and recreationists.

**Refuge Revenue Sharing** - In 1935, Congress enacted the Refuge Revenue Sharing Act. The purpose of this law was to compensate local communities for the loss of tax revenues when private land is incorporated within the National Wildlife Refuge System. For the past 15 years, the amount of money paid to the counties, known as entitlement payments, has decreased from 77 percent to about 30 percent of their payments.

**Sikes Act** – The Department of Defense controls nearly 30 million acres of fish and wildlife habitat at nearly 400 military installations. The Subcommittee is interested in obtaining an update of the Department’s conservation efforts, whether additional opportunities are being provided to disabled sportsmen as mandated by Public Law 105-261 and the status of efforts to require Integrated Natural Resource Management Plans for State-owned National Guard facilities.

General Oversight of the Office of Insular Affairs - The Subcommittee expects to review the fundamental issues facing each of the territories and freely associated states: support and development of self-government and self-determination; economic development and self-sufficiency through the private sector; accountability of federal funds; implementation and enforcement of federal laws; implementation and funding for the Compacts of Free Association; and management of limited land and water resources.

Puerto Rico – On November 6, 2012, 1.8 million residents of Puerto Rico voted for Governor, Resident Commissioner, members of their legislature, and vote on a two-part status plebiscite. On the first question, ballots were cast on whether they wished to retain their current political status. For the second question, residents voted to choose a new status - Free Association with the United States, independence or statehood. The results of the plebiscite vote and what it means in terms of Puerto Rico’s future political status will be carefully examined.

National Ocean Council and Ocean Zoning - Through an Executive Order, the White House created a new National Ocean Council (NOC) and a structure for a new Coastal and Marine Spatial Planning initiative, otherwise known as ocean zoning. The Subcommittee will examine the authority used to create this entity and initiative, what sources of funding will be used, what authorities this new entity will have, and what effect any new policy initiatives from the NOC will have on other departments and agencies.

Marine Debris – Marine debris is an ongoing and increasing problem for coastal areas due to various natural events. Congress amended the NOAA marine debris program in P.L. 112-213. The Subcommittee will examine this issue and implementation of the NOAA program.

International Fisheries Agreements and International Compliance - The U.S. has taken aggressive action to combat Illegal, Unreported, and Unregulated (IUU) fishing practices both through domestic regulation and international negotiations. In addition to numerous international fisheries treaties already in existence, a number of new treaties and agreements have recently been negotiated to ensure compliance of vessels fishing on the high seas. The need for such treaties and whether implementation legislation is necessary will be examined.

Fishery Restrictions Resulting From Protected Resources Designations – There are a number of fisheries which currently are or will be restricted due to interactions or perceived interactions with protected animals. In many cases, the scientific information being used to implement the restrictions is either incomplete or outdated. Because the agency has diverted funding from gathering the information necessary to adequately manage the natural resources under their jurisdiction, the agency is causing job losses and economic hardships for coastal and fishery-dependent communities. The Subcommittee will examine a number of specific instances.

Fisheries Strategic Research Plan – In recent years, NOAA has proposed the creation of a number of new line offices or initiatives. At the same time, funding for basic fisheries and marine mammal surveys necessary to support management of the Nation’s fishery resources have remained inadequate. As surveys are postponed or cut, the confidence in the stock assessments decline causing harvest levels to be cut resulting in job losses and economic stress on fishery dependent communities. The Subcommittee will examine the agency’s long-term commitment to the harvest of fishery resources and the research necessary to ensure the sustainability of those resources and those who depend on those resources.

## **Subcommittee on Indian and Alaska Native Affairs**

**Budget and Spending Review** - The Subcommittee will review the budget request and staffing levels for the Bureau of Indian Affairs, Office of the Special Trustee for American Indians, and other Departments, offices and functions relating to Indian and Alaska Native affairs.

**Federal Barriers to Economic and Energy Development on Indian lands** - Certain federal laws and policies governing public lands are applied to lands held in trust or restricted status for tribes and individual Indians. For example, the Interior Department's proposed rule regarding hydraulic fracturing in the production of oil and gas resources treats lands held for the exclusive use and benefit of Indians as though they belong to the public. The Subcommittee will review whether it is appropriate to apply public land laws to Indian lands in the manner proposed by the Obama Administration.

**Land Buyback** - The Claims Resolution Act of 2010 provided for a one-time direct appropriation of \$1.9 billion to Department of the Interior for the consolidation of highly fractionated Indian land, pursuant to the Indian Lands Consolidation Act. The Subcommittee will exercise its duty to review the operation of the land consolidation program and hold the Administration accountable for the expenditure of this sum of money.

**Fee-to-Trust Issues** - The 2009 Supreme Court decision in Carcieri v. Salazar was one of the most significant judicial actions concerning Indian lands and tribal recognition since 1934. The Department of the Interior has failed to cooperate with the Subcommittee in identifying a potential resolution. For example, the Department refuses to divulge which tribes and lands are affected by Carcieri. This obstructs potential bipartisan legislative action to reform and improve the process of acquiring lands for Indians in a balanced manner that reflects contemporary land use and ownership among tribal and non-Indian communities in 21<sup>st</sup> century America. The Department's actions to date have all but invited expensive litigation, confusion, and delays in the fee-to-trust process. In the 113<sup>th</sup> Congress, the Subcommittee will review the Department's actions to assist Members determine an appropriate course of action to update fee-to-trust policy.

**Alaska Natives** - The Subcommittee will review the implementation of the Alaska Native Claims Settlement Act and other laws pertaining to Alaska Natives (including the Alaska National Interest Lands Conservation Act of 1980).

**Natural Resources Management on Indian Reservations** - The Department of the Interior holds approximately 56 million acres of land in trust or restricted status for tribes and individual Indians. The Subcommittee will review current law, policy, and agency action concerning these resources in furtherance of the goal of increasing tribal self-governance and economic development opportunities for the benefit of Native Americans. The Subcommittee may focus on the implementation of the HEARTH Act of 2012 and on the Department's recent revision of surface leasing rules affecting Indian trust and restricted lands.

**Indian Country Law and Order** - The Subcommittee plans to review the implementation and impact of provisions of the Tribal Law and Order Act that fall under the jurisdiction of the Committee. In addition, the Subcommittee will review federal policies and actions (and inaction) concerning safety, crime prevention, and law enforcement in Indian Country.

Indian Health Care Improvement Act Implementation / Indian Health Service - In the 113<sup>th</sup> Congress the Subcommittee may review implementation of Indian health care, with a focus on the delivery of medical services to Indian people, particularly those in remote reservations where access to health care is difficult and costly.

Tribal Recognition - Since the 1960's the Secretary of the Interior has granted recognition to tribes even though some experts and tribes have noted that such recognition was made without authorization from Congress. For example, the Bureau of Indian Affairs regulatory process for extending recognition to new tribes, found in Part 83 of the Code of Federal Regulations, was established by the Department without authorization from Congress. Recent Departmental actions concerning the recognition of tribes have stirred controversy. The Department administratively "reaffirmed" the recognition of a tribe that had not been named on any list of tribes recognized pursuant to treaty or statute. The Department has refused to invoke any legal defense on behalf of the United States in lawsuits filed by certain groups seeking tribal recognition where new casinos appear to be at stake. Because the power to recognize a tribe is a solemn action that grants special political status on the tribe's members, the Subcommittee may conduct a thorough overview of recognizing new tribes.

Indian Gaming - According to the National Indian Gaming Commission, in 2011 the Indian gaming industry generated \$27.2 billion in revenues. This is nearly triple the \$9.8 billion in revenues generated in 1999. Indian gaming is inextricably linked with fee-to-trust and recognition and therefore it may be addressed in the context of the Committee's review of recognition and fee-to-trust (including Carcieri) issues described above. In addition, the Subcommittee in the 113<sup>th</sup> Congress may conduct hearings specifically on gaming to ensure that appropriate enforcement and oversight by the National Indian Gaming Commission, Department of the Interior, and Department of Justice is being conducted.

Tax Policy - Last year the Subcommittee held an oversight hearing concerning inconsistent and unauthorized tax policies imposed by the Obama Administration on Indians. It was revealed that the Obama Administration IRS sought to tax per capita certain distributions made to individual Indians by their tribes. The distributions in question are those derived from tribal development of natural resources – especially timber – on tribes' trust lands. Imposition of the tax is contrary to congressional intent under the Per Capita Act, to precedent, and to common sense. At the same time the Administration sought to tax trust per capita distributions, the IRS issued a guidance notice effectively waiving taxation of *private* per capita distributions made by around 50 tribes that settled lawsuits with the Obama Administration. Distributions made by tribes from private accounts are ordinarily subject to taxation. At the hearing, the IRS – under intense questioning – verbally noted that it would relinquish its attempt to tax the trust per capita distributions. Oversight of IRS tax policy will continue in an effort to seek clear written guidance to ensure correct compliance with the letter and spirit of the Per Capita Act.

Tribal Trust Settlements - The Subcommittee may review the negotiation and settlement of lawsuits against the United States filed by more than 100 Indian tribes. The basis of the lawsuits, filed under previous Administrations, was that the United States mismanaged trust lands and trust accounts of Indian tribes in violation of the government's statutory obligations. In 2012, more than 50 tribal lawsuits were settled by the Administration for approximately \$1 billion. Dozens more may be settled during the remainder of the Administration. The Committee is interested in ensuring that the settlements are fair and just for tribes and taxpayers.

## **Subcommittee on Public Lands and Environmental Regulation**

Budget and Spending - The Subcommittee will review the Fiscal Year 2014 budget request for programs under its jurisdiction.

The National Environmental Policy Act (NEPA) – The Subcommittee will conduct oversight on the implementation of the law and on NEPA’s effectiveness in achieving the purposes for which it was enacted.

Strengthening the Core National Park Functions of Stewardship, Visitor Experience and Maintenance of Park Facilities – The Subcommittee will conduct oversight on ways to ensure that budget constraints, should they occur, do not fall on the traditional National Park Service visitor services and property maintenance portion of their budget.

New Parks – Proposals for additional parks and park expansions will be examined with due regard for the merits of the proposal, spending constraints, our national need for access to vital resources, and the protection of private property rights.

National Park Management - The Subcommittee will conduct oversight on ways to reduce the maintenance backlog and enhance public enjoyment of the parks.

Wilderness Designations and Releases – The Subcommittee will examine proposals for additional wilderness designations as well as proposals for the release of areas found not suitable for wilderness designation.

Forest Health and Wildfires - The Subcommittee will conduct oversight hearings on forest health and wildfire prevention and suppression.

County Payments and School Funding - The Subcommittee will pursue changes to replace the current uncertain and diminishing funding by creating a more sustainable and reliable program.

National Forest Recreation – Oversight will be conducted on ways to strengthen public access to National Forests for a wide range of family recreational and sporting activities and that fees for use of developed sites are not excessive.

Management of BLM Land – The Subcommittee will conduct oversight on ways to ensure that traditional uses such as grazing are permitted in an efficient and fair manner.

Strengthening the Role Our Vast System of BLM lands Can Contribute to Economic Growth, National Security, and Sound Conservation - Oversight will be conducted on ways to ensure that our public lands provide secure domestic sources of energy, food, fiber, minerals, jobs and recreation under appropriate conservation standards.

Checks and Balances – The Subcommittee will examine administratively imposed activities and designations to ensure that these actions fully respect the interests and culture of the affected local people and do not infringe on authorities that more properly belong to elected officials in Congress and local government.

## **Subcommittee on Water and Power**

**Budget and Spending Review** – At a time of growing water supply needs, water-use conflicts, curtailment of water and power deliveries due to federal regulation and a spiraling national debt, the Subcommittee intends to examine the Bureau of Reclamation’s and the U.S. Geological Survey’s annual budget request and ongoing spending. The goal of such oversight is to determine whether the agencies are accountable to the American taxpayers, water and power ratepayers and other beneficiaries and to ascertain whether they are fulfilling their core missions.

**Oversight of the Power Marketing Administration Budgets** – The four Power Marketing Administrations sell hydropower generated at federal dams and reservoirs to wholesale customers that serve millions of retail electricity customers. In many cases, these energy prices have increased or the supply has significantly decreased due to a number of factors. The Subcommittee will examine the reasons for the price increases, whether these agencies are reducing internal costs to mitigate for such increases and if they are fulfilling their historical energy delivery missions to traditional customers. In particular, the Subcommittee and the Full Committee will continue its oversight of Energy Secretary Steven Chu’s far-reaching 2012 Memorandum to the Power Marketing Administrators.

**Protecting and Promoting Hydropower as a Clean, Renewable Energy Source** – Litigating interests and regulatory efforts undermine existing hydropower resources and curtail the growth of new hydropower. The Subcommittee will examine these efforts and ways to protect and promote large-scale and small-scale hydropower generation at existing and potential facilities.

**Increasing Traditional Water Supplies** – Visionary leaders developed much of the western water supply infrastructure that urban and rural communities have depended upon for generations. These existing water storage and delivery projects continue to serve millions of ratepayers and food consumers nationwide, but their operations are being curtailed by endless litigation and agencies bent upon rationing water supplies. The Subcommittee will focus on the need to protect existing water storage/conveyance facilities and also examine and overcome regulatory, financial and other barriers to building new ones as a way of returning to a policy of abundance.

**Water Project Financing** – The Subcommittee intends to analyze different types of water projects to determine the most cost-effective approach to providing new water supplies and other benefits. This examination, when necessary, will include but not be limited to a determination of project’s purposes, cost per acre foot, water and non-water benefits and the current process used to determine cost/benefit ratios.

**Returning to the “Beneficiary Pays” Principle** – Recent efforts to integrate wind and solar resources into the electricity grid can have impacts on existing water and power users who do not benefit from such integration. The Subcommittee intends to examine the impacts of integration schemes, including those by the Western Area Power Administration.

**Maintaining Electricity Transmission/Distribution Service on Federal Lands** – Energy rights of way on federal lands have a direct impact on electricity transmission and distribution systems. Vegetative management on these rights-of-way is an issue in some areas of the western United States. The Subcommittee intends to examine these matters as it relates to electricity reliability and catastrophic forest fire prevention.

## **Full Committee**

The Full Committee will conduct oversight on a variety of topics in coordination with the Subcommittees, as well as on specific jurisdictional items that reside at the Full Committee level. These Full Committee jurisdictional matters include:

Endangered Species Act - Congress last renewed the ESA in 1988, which means it has been 24 years since any substantial updates have been made. Of the 1,401 domestic animal and plant species listed under the Act, just 20 species have been declared recovered - representing only a 1 percent recovery rate. The law is failing to achieve its primary purpose of recovering endangered species. The Committee will continue to examine both the strengths and weaknesses of the law to make it work better for both species and people. The Committee will also continue to focus on how litigation and close-door settlement agreements impede recovery efforts and cost taxpayers millions of dollars.

Magnuson-Stevens Fishery Conservation and Management Act Reauthorization – The Magnuson-Stevens Act is the primary statute regulating commercial and recreational fishing in federal waters. The Act was last reauthorized in the 109<sup>th</sup> Congress and a number of issues related to the reauthorization were examined by the Committee in the 112<sup>th</sup> Congress. The Committee will continue this work to reauthorize the Act in the 113<sup>th</sup> Congress.