



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: Wednesday, December 6, 2023
Subject: Markup of 8 bills

The Committee on Natural Resources will hold a markup on **Wednesday, December 6, 2023, at 10:00 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 1449 (Rep. Fulcher), H.R. 6009 (Rep. Boebert), H.R. 6285 (Rep. Stauber), H.R. 5490 (Rep. Kiggans), H.R. 6011 (Rep. Valadao), H.R. 6233 (Rep. LaHood), H.R. 3250 (Rep. Morelle), and H.R. 3396 (Rep. Harder).

Member offices are requested to notify Madeline Kelley (madeline.kelley@mail.house.gov) by 4:30 p.m. on Tuesday, December 5, 2023, to confirm their Members attendance at the mark-up.

I. KEY MESSAGES & TOP LINE ACTIONS

- Committee Republicans began this year with a hearing on “Unleashing America's Energy and Mineral Potential” and advancing the Transparency, Accountability, Production and Permitting of American Energy Act, legislation to address the Biden administration’s energy crisis, which was the cornerstone of H.R. 1, the Lower Energy Costs Act.
- H.R. 1, passed by the House of Representatives on March 30, 2023, provides a framework for streamlining the federal regulations holding back domestic energy producers and will usher in a new era of American energy independence and mineral security.
- Committee Republicans will close out 2023 by advancing another suite of energy bills to promote domestic production and energy independence because when Americans produce energy here at home, we do it cleaner, safer, and more efficiently than anywhere else in the world. Republicans continue to put forward solutions that unleash our resources through responsible, scientific means, and support America’s long-term energy security.
- Bills expected to move by regular order: H.R. 1449 (Rep. Fulcher), *Committing Leases for Energy Access Now Act*; H.R. 6009 (Rep. Boebert), *Restoring American Energy Dominance Act*; and H.R. 6285 (Rep. Stauber), *Alaska’s Right to Produce Act of 2023*.

- Please note that H.R. 6009 and H.R. 6285 each will have an amendment in the nature of a substitute (ANS). Members should ensure that amendments are drafted to the appropriate ANS.
- Bills expected to move by unanimous consent: H.R. 5490 (Rep. Kiggans), *Bolstering Ecosystems Against Coastal Harm Act*; H.R. 6011 (Rep. Valadao), *Right-Of-Way Application Transparency and Accountability Act*; H.R. 6233 (Rep. LaHood), *Community Reclamation Partnerships Act*; H.R. 3250 (Rep. Morelle), *National Museum of Play Recognition Act*; and H.R. 3396 (Rep. Harder), *Fire Department Repayment Act of 2023*.

II. EXPECTED LEGISLATION

H.R. 1449 (Rep. Fulcher), “*Committing Leases for Energy Access Now Act*” or the “*CLEAN Act*”

The Geothermal Steam Act of 1970¹ currently requires the Secretary of the Interior to hold “a competitive lease sale at least once every 2 years for land in a State that has nominations pending.”² However, some states, like California, have not held a competitive geothermal lease sale since 2016.³ H.R. 1449 would address geothermal leasing and permitting issues by amending the Geothermal Steam Act of 1970⁴ to require the Secretary of the Interior to hold lease sales annually for geothermal energy. If a lease sale is missed for any reason, the bill would require that the Secretary hold replacement sales during the same year. The bill would also require the Secretary to respond to geothermal drilling permit applications within 30 days of receipt to let the applicant know whether their application is complete or not. If the Secretary determines an application is complete, the Secretary would have an additional 30 days to issue a final decision on the application.

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

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H.R. 6009 (Rep. Boebert), “*Restoring American Energy Dominance Act*”

At the end of July 2023, the Bureau of Land Management (BLM) issued a proposed rule to update its oil and gas leasing regulations.⁵ The proposed rule would formally implement provisions from the Inflation Reduction Act (IRA), which increased the royalty rate for

¹ 30 U.S.C. § 1001 et seq.

² 30 U.S.C. § 1003(b)(2)

³ U.S. Bureau of Land Management, California Geothermal Energy, <https://www.blm.gov/programs/energy-andminerals/renewable-energy/geothermal-energy/regional-information/california>.

⁴ 30 U.S.C. § 1001 et seq.

⁵ Bureau of Land Management, Fluid Mineral Leases and Leasing Process, 88 Fed. Reg. 47562 (July 24, 2023), <https://www.federalregister.gov/documents/2023/07/24/2023-14287/fluid-mineral-leases-and-leasing-process>.

production on federal lands, while also increasing and creating new fees on producers. While the rule codified pieces of the IRA, it also made major, non-statutory changes to the BLM’s onshore leasing program.

Specifically, the rule proposes ending nationwide bonding and increasing the minimum bond amounts for individual lease bonds and statewide lease bonds from \$10,000 to \$150,000 and from \$25,000 to \$500,000, respectively. The proposed rule also introduces the idea of using “preference criteria”⁶ to avoid conflict in areas “with sensitive cultural, wildlife, and recreation resources.”⁷ This nebulous methodology could be especially problematic if BLM field offices avoid leasing in all areas with endangered or threatened species, critical habitat, or a nearby recreation area, a move which would greatly limit leasing on federal lands.

H.R. 6009 would force the BLM to withdraw the rule and would prevent the BLM from finalizing a substantially similar rule.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). The bill has 12 Republican co-sponsors, found [here](#).

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[H.R. 6285](#) (Rep. Stauber), “*Alaska’s Right to Produce Act of 2023*”

The Tax Cuts and Jobs Act (TCJA)⁸ mandates that the Secretary of the Interior must establish an oil and gas leasing program in the Arctic National Wildlife Refuge (ANWR). The TCJA also required that the Secretary of the Interior hold “2 lease sales area-wide” with “the initial lease sale under the oil and gas program under this section not later than [December 2021]” and “a second lease sale under the oil and gas program under this section not later than [December 2024]”.⁹ On January 6, 2021, the Bureau of Land Management (BLM) held the first oil and gas lease sale for Alaska’s 1002 Area, offering 22 tracts on 1.1 million acres.¹⁰ On September 8, 2023, Secretary Haaland issued a roughly 1,400 page Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement (SEIS),¹¹ and announced the cancellation of the remaining seven oil and gas leases issued by the Trump administration in the Coastal Plain of ANWR.¹²

⁶ *Id.*

⁷ *Id.* at 47565.

⁸ Pub. L. No. 115–97; 131 Stat. 2054.

⁹ Pub. L. No. 115-97, § 20001©(1)(B)(ii), 131 Stat. 2237.

¹⁰ Bureau of Land Management, Oil & Gas Lease Sale (Jan. 6, 2021), https://www.blm.gov/sites/default/files/docs/2021-01/BLMAAlaska_2021-Coastal-Plain-Sale-Bid-Recap_20210106.pdf.

¹¹ Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement, 88 FR 62104 (Sep. 8, 2023), https://eplanning.blm.gov/public_projects/2015144/200492847/20085216/250091398/Coastal_Plain_Draft_SEIS_Vol1_508.pdf.

¹² U.S. Department of the Interior Press Release, Biden-Harris Administration Takes Major Steps to Protect Arctic Lands and Wildlife in Alaska (Sept. 6, 2023), <https://www.doi.gov/pressreleases/biden-harris-administration-takes-major-steps-protect-arctic-lands-and-wildlife-alaska>.

Secretary Haaland also issued a proposed rule, Management and Protection of the National Petroleum Reserve in Alaska,¹³ which would further limit oil and gas leasing in the National Petroleum Reserve in Alaska (NPR-A). In the proposed rule, the BLM essentially reinterprets the Naval Petroleum Reserves Production Act of 1976 (NPRPA)¹⁴ to treat large swaths of the NPR-A as de facto wilderness. However, NPRPA is clear that the BLM must both “conduct an expeditious program of competitive leasing of oil and gas in the Reserve” and protect the “environmental, fish and wildlife, and historical or scenic values” of the NPR-A.¹⁵

Both actions were opposed by the entire Alaska delegation, along with a majority of stakeholders on the North Slope of Alaska.¹⁶ H.R. 6285 would promptly reinstate the ANWR leases while protecting them from similar political attacks in the future. It would also cancel the BLM’s ongoing rulemaking with respect to the NPR-A.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). The bill has 15 Republican co-sponsors and 1 Democrat cosponsor, found [here](#).

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H.R. 5490 (Rep. Kiggans), “*Bolstering Ecosystems Against Coastal Harm (BEACH) Act*”

Enacted in 1982, Coastal Barrier Resources Act (CBRA) established the John H. Chafee Coastal Barrier Resources System (System), which is made up of undeveloped coastal barriers and other areas of the eastern seaboard, the Great Lakes, U.S. Caribbean territories, and the Gulf of Mexico. CBRA restricts the use of new federal funding that may encourage development on or around certain coastal barriers. H.R. 5490 would codify into law modified CBRA maps along the Atlantic coast of the United States that have been proposed by the USFWS. The bill would also make reforms to the CBRA statute by requiring owners who are selling or leasing property in a CBRA zone to disclose that the property is in a CBRA zone to the buyer or lessee. The bill reauthorizes CBRA appropriation through Fiscal Year (FY) 2031, which is set at \$2 million per fiscal year.

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

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H.R. 6011 (Rep. Valadao), “*Right-Of-Way Application Transparency and Accountability Act*” or the “*ROWATA Act*”

¹³ Management and Protection of the National Petroleum Reserve in Alaska, 43 CFR 2360 (Sep. 8, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-09-08/pdf/2023-18990.pdf>.

¹⁴ Pub. L. No. 94-258.

¹⁵ *Id.*

¹⁶ Senator Dan Sullivan, Press Releases, DELEGATION, ALASKA LEADERS: BIDEN ADMINISTRATION PUTS AMERICAN ENERGY SECURITY AT RISK; HARMS THE STATE AND ALASKA NATIVE COMMUNITIES, 9.6.23, <https://www.sullivan.senate.gov/newsroom/press-releases/delegation-alaska-leaders-biden-administration-puts-american-energy-security-at-riskharms-the-state-and-alaska-native-communities>.

Title 5 of the Federal Land Policy Management Act¹⁷ authorizes the Secretary of the Interior and the Secretary of Agriculture to grant rights-of-way (ROW) on federal lands for several activities that cause land disturbance. Additionally, the Mineral Leasing Act of 1920¹⁸ allows the respective Secretaries to issue ROW for oil, natural gas, and refined product pipelines over federal lands. Both statutes include application requirements, but neither include timelines on the agencies to respond to applicants to let them know whether their application is complete or deficient. This has created a bottleneck in the permitting process for different kinds of energy projects that need a ROW to move forward.

The “Right of Way Application Transparency and Accountability Act” would require agencies to notify applicants if their right-of-way application is complete within 60 days. This will allow complete applications to move forward while providing those with incomplete applications certainty so that they are able to fix and resubmit their applications.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). The bill has 6 Republican co-sponsors, found [here](#).

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H.R. 6233 (Rep. LaHood), “*Community Reclamation Partnerships Act*”

Thousands of inactive coal mines, abandoned before the era of modern regulation, exist across the country.¹⁹ Many of these abandoned mine land (AML) sites pose health and safety risks or environmental hazards, burdening landowners and inhibiting opportunities for economic development. The states are responsible for AML reclamation and undertake numerous cleanup projects every year. The revenue stream for AML cleanup grants comes from a fee assessed on current coal production, with the addition of \$11.3 billion in new taxpayer funds provided by the Infrastructure Investment and Jobs Act.²⁰

The need remains for additional cleanup efforts that don’t add more burden to coal operators or the taxpayer. This need has encouraged third-party, non-governmental organizations (NGOs) to participate in cleanup projects. Unfortunately, many interested NGOs hesitate to participate in cleanup due to fear of becoming liable for abandoned sites they reclaim, should conditions deteriorate through no fault of their own at some point in the future.²¹ H.R. 6233 would grant liability protection to NGOs that wish to contribute their resources to the problem of AML, reducing the environmental issue of AML sites and decreasing the burden on taxpayers and states at the same time. This bill has passed out of Committee by unanimous consent in both the 116th and 117th Congress and passed the House in the 115th Congress.

¹⁷ 43 U.S.C. § 1761 et seq.

¹⁸ 30 U.S.C. § 185.

¹⁹ U.S. Department of the Interior. Office of Surface Mining Reclamation and Enforcement. Abandoned Mine Land Inventory System. <https://www.osmre.gov/programs/e-amlis>.

²⁰ Pub. L. No. 117-58.

²¹ Pennsylvania Department of Environmental Protection. Environmental Good Samaritan Act. <https://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Pages/GoodSamaritanAct.aspx>.

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

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H.R. 3250 (Rep. Morelle), “National Museum of Play Recognition Act”

H.R. 3250 seeks to recognize the Margaret Woodbury Strong Museum in Rochester, New York as the “National Museum of Play” in recognition that it is the “only museum of its kind that exists for the exclusive purpose of exploring the ways in which play encourages learning, creativity, and discovery, and how it illuminates cultural history.”²² Margaret Woodbury was a world traveler and collector who visited destinations such as Hawaii, Shanghai, and Japan, collecting dolls.²³ Margaret amassed over 27,000 dolls by the 1960’s. After her passing in 1969 at the age of 72, she left a large portion of her financial resources and collection of dolls for a museum, which opened in downtown Rochester in 1982.²⁴ Today, the museum spans over 100,000 feet and serves as a reminder of the importance of play to visitors from across the country. The bill would give recognition to the museum—which draws over half a million visitors annually—without any taxpayer burden or adding to the federal estate.

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

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H.R. 3396 (Rep. Harder), “Fire Department Repayment Act of 2023”

The federal government is responsible for wildfires beginning on federal lands, and states are responsible for wildfires on non-federal lands.²⁵ Since wildfires know no bounds, the response is often managed jointly as the fire spreads across multiple jurisdictions. The National Multi-Agency Coordination Group, located at the National Interagency Fire Center in Boise, Idaho, coordinates and allocates federal, state, and private forces.²⁶ The cost of these resources is then reimbursed under preexisting agreements.²⁷ Reciprocal Fire Suppression Cost-Share Agreements are agreements between federal, state, and local governments to share the costs of suppressing wildfires that occur across multiple jurisdictions. These agreements allow fire departments to access resources and assistance from neighboring jurisdictions during large fires. Under these agreements, each entity agrees to share the costs of providing firefighting resources. The current reimbursement process for local fire departments by the federal government has several

²² H.R. 3250, National Museum of Play Recognition Act, <https://www.congress.gov/bill/118th-congress/house-bill/3250/text>.

²³ About, The Strong National Museum of Play, Accessed June 12, 2023, <https://www.museumofplay.org/about/>.

²⁴ Home, The Strong National Museum of Play, Accessed June 12, 2023, <https://www.museumofplay.org/>.

²⁵ Federal Assistance for Wildfire Response and Recovery, Congressional Research Service, December 2, 2020, <https://www.crs.gov/Reports/IF10732>.

²⁶ *Id.*

²⁷ *Id.*

shortfalls, including delays, insufficient funding, and the application process can be cumbersome.

The “Fire Department Repayment Act of 2023,” introduced by Representative Harder, aims to standardize the timelines for reimbursements under reciprocal fire suppression cost-share agreements and align them with cooperative fire protection agreements.²⁸ The bill would require the Secretaries of Agriculture, the Interior, Homeland Security, and Defense to establish standard operating procedures regarding payment timelines for fire suppression cost-share agreements within one year of the enactment of the bill. An amendment will be offered at markup to clarify the bill only relates to payment timelines and protects the federal government’s right to dispute inaccurate invoices from non-federal partners. The bill has [16 cosponsors](#), including 8 Republicans and 8 Democrats.

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

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III. CBO SCORES

None available.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 1449](#)

[H.R. 6233](#)

[H.R. 5490](#)

²⁸ Representative Josh Harder, Harder Leads Wildfire Emergency Bill, Wildfire Emergency Act would reduce fire risk, protect critical infrastructure & train new fire professionals, May 26, 2021, <https://harder.house.gov/media/press-releases/harder-leads-wildfire-emergency-bill>.