



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: Natural Resources Committee Republican Staff; Ashley McManus (Ashley.McManus@mail.house.gov; x5-9297) and Aniela Butler (Aniela@mail.house.gov; x6-7736)
Date: Wednesday, May 1, 2024
Subject: Oversight Hearing on “*Examining the President’s FY 2025 Budget Request for the Department of the Interior*”

The Committee on Natural Resources will hold an oversight hearing on “*Examining the President’s FY 2025 Budget Request for the Department of the Interior*” on **Wednesday, May 1, 2024, at 10:00 a.m. in Room 1324 Longworth House Office Building.**

Member offices are requested to notify Sophia Varnasidis (Sophia@mail.house.gov) and Madeline Bryant (Madeline.Bryant@mail.house.gov) by 4:30 p.m. on Monday, April 29, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The Department of the Interior (DOI) has played a key role in the Biden administration’s war on American energy and mineral security. Secretary Haaland has banned the development of one of the nation’s most promising copper-nickel deposits in Minnesota’s Iron Range, severely restricted oil and gas leasing on federal lands and waters, and locked up resource-rich lands in Alaska. The Department has recently issued several rulemakings that will only further impede domestic energy development. These actions are driving up energy prices for the American people and making our nation more reliant on China, Iran, and Russia for critical resources.
- The Biden administration is continuing its attacks on America’s public lands and waters by restricting access through preservationist land designations and rulemakings in furtherance of its 30x30 agenda. This puts the lands that feed and fuel our country and the rural communities that depend on their multiple uses in jeopardy.
- Our federal lands and waters are feeling the full impact of President Biden’s border crisis. Some of the most dangerous areas along the U.S.-Mexico border are the estimated 693 miles that abut federal land and the illegal dumping of trash threatens wildlife, destroys habitat, and damages natural resources. International criminal cartels target tribal communities for the distribution of dangerous and illegal drugs due to the high-profit margins that can be attained in these areas, the general lack of law

enforcement across vast expanses of rural lands, and jurisdictional conflicts between tribal and local or state law enforcement agencies.

- The Biden administration has taken actions that severely restrict access to our nation's lands and waters and have weaponized the Endangered Species Act (ESA) to a great extent. Proposed rules by the Fish and Wildlife Service would completely tie the hands of refuge managers and potentially remove well-established practices such as cooperative agricultural management and predator control on Refuge System lands. New rules are reversing the significant progress made during the Trump administration to streamline how the ESA is implemented. Additionally, new species listings have the potential to put a complete stop on responsible land management and resource development across vast swaths of the landscape.
- House Committee on Natural Resources Republicans are committed to achieving American energy dominance, strengthening domestic mineral supply chains, securing our nation's borders, ensuring access to our natural resources, conservation with a purpose, and holding the Biden administration accountable.

II. WITNESSES

- **The Honorable Deb Haaland**, Secretary, U.S. Department of the Interior, Washington, DC

III. BACKGROUND

Budget Top-Line

Secretary Haaland is appearing before the House Committee on Natural Resources (Committee) to defend the Biden administration’s budget request for the Department of the Interior (DOI). DOI’s fiscal year (FY) 2025 budget requests \$34.5 billion in discretionary funding, a decrease of \$524.4 million (1.5 percent) over FY 2024 annualized CR levels. In total, the budget requests \$37.08 billion, a 6.6 percent increase over FY 2024 levels.

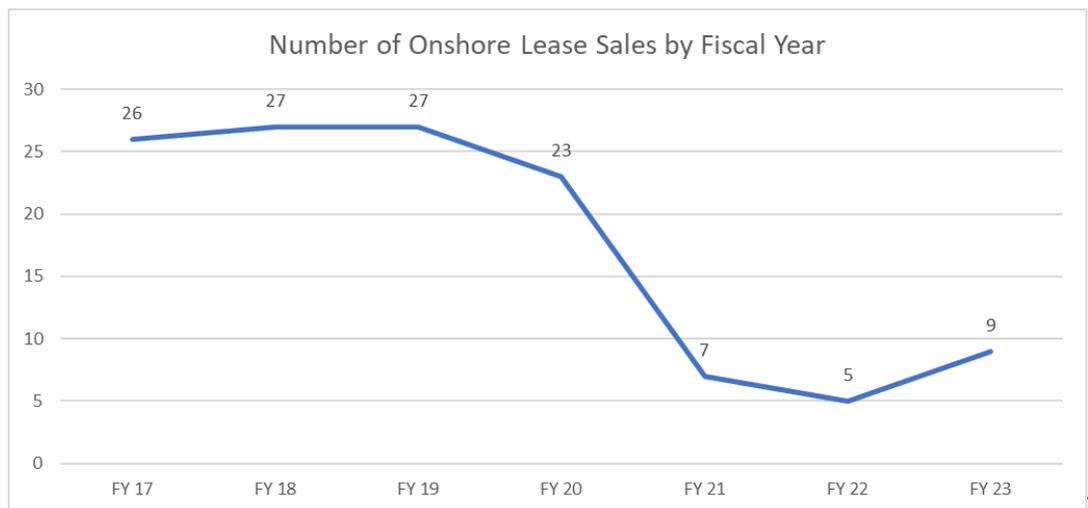
Specific agency breakdowns are below: (note: only main accounts are included, for a full breakdown, please contact Committee staff):

Agency	FY 2023 Actual	FY 2024 Annualized CR	FY 2025 Request	Change From FY 2024 Annualized CR to FY 2025
Bureau of Land Management (BLM)	\$1.99 billion	\$2.03 billion	\$2.06 billion	+\$31.5 million
Bureau of Ocean Energy Management (BOEM)	\$183.4 million	\$163.0 million	\$183.4 million	+20.4 million
Bureau of Safety and Environmental Enforcement (BSEE)	\$174.4 million	\$162.1 million	\$170.4 million	+8.3 million
Office of Surface Mining Reclamation and Enforcement (OSMRE)	\$1.48 billion	\$1.50 billion	\$1.58 billion	+86.3 million
U.S. Geological Survey (USGS)	\$1.61 billion	\$1.57 billion	\$1.65 billion	+81.1 million
U.S. Fish and Wildlife Service (FWS)	\$4.24 billion	\$3.79 billion	\$4.0 billion	+214.0 million
National Park Service (NPS)	\$6.24 billion	\$4.72 billion	\$4.81 billion	+89.1 million
Bureau of Indian Affairs (BIA)	\$2.81 billion	\$2.92 billion	\$3.51 billion	+593.4 million
Bureau of Trust Funds Administration (BTFA)	\$1.83 billion	\$1.91 billion	\$1.99 billion	+74.0 million
Office of Insular Affairs (OIA)	\$656.3 million	\$717.6 million	\$2.07 billion	+1.35 billion
Bureau of Reclamation (BOR)	\$3.83 billion	\$3.86 billion	\$3.56 billion	-\$299.6 million
<u>Total DOI</u>	<u>\$36.7 billion</u>	<u>\$34.6 billion</u>	<u>\$37.08 billion</u>	<u>+2.45 billion</u>

This memo discusses the Department of the Interior’s FY 2025 proposed budget within the context of four main Republican policy themes: 1) Ensuring American energy dominance and securing mineral supply chains; 2) Defending America’s national security; 3) Promoting access to our natural resources and conservation with a purpose; and 4) Holding the Biden administration accountable.

Ensuring American Energy Dominance and Securing Mineral Supply Chains

Federal Onshore and Offshore Oil and Gas – President Biden has waged a war on American energy production since his first week in office. With Executive Order 14008, the President halted oil and natural gas leasing on U.S. federal lands and waters.¹ The U.S. District Court for the Western District of Louisiana placed a preliminary injunction on the leasing ban in July 2021, yet the administration did not resume leasing until June of 2022.² The first onshore sale only offered 20 percent of the parcels originally included and implemented a 50 percent royalty hike.³ The Biden administration has consistently failed to offer the acreage sought after by operators, jeopardizing the future of the onshore leasing program.



*All onshore lease sales in FY 2021 were conducted by the Trump administration

The Biden administration also canceled offshore Lease Sale 261, prompting Congress to direct the Bureau of Ocean Energy Management (BOEM) to hold the sale in the Inflation Reduction Act.⁵ Before the sale, the administration attempted to reduce the acreage offered in the sale and impose vessel speed restrictions on operators. The U.S. Court of Appeals for the Fifth Circuit

¹ Exec. Order 14008, 86 Fed. Reg. 19, 7619 (Jan. 27, 2021).

² Partlow, Joshua and Eilperin, Juliet. Louisiana judge blocks Biden Administration’s oil and gas leasing pause. <https://www.washingtonpost.com/climate-environment/2021/06/15/louisiana-judge-blocks-biden-administrations-oil-gas-leasing-pause/>.

³ Energy in Depth, FIRST BIDEN ADMINISTRATION ONSHORE LEASE SALES BRING IN NEARLY \$22 MILLION, 7/1/22, <https://www.energyindepth.org/first-biden-administration-onshore-lease-sales-bring-in-nearly-22-million/>.

⁴ Bureau of Land Management, State Oil and Gas Lease Sales, <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regionallease-sales>.

⁵ Offshore Magazine. (n.d.). BOEM postpones Lease Sale 261 due to litigation. Retrieved from <https://www.offshore-mag.com/regional-reports/us-gulf-of-mexico/article/14301031/boem-postpones-lease-sale-261-due-to-litigation>.

ordered the Biden administration to hold the sale without those restrictions,⁶ and BOEM eventually conducted Lease Sale 261 on December 20, 2023, receiving 352 bids on 311 tracts covering 1.7 million acres. High bids totaling \$382 million show strong interest in continued energy leasing offshore.⁷

BOEM's FY 2025 budget request includes planning for future lease sales under the 2024-2029 National Outer Continental Shelf Oil and Gas Leasing Program (National OCS Program), which includes only three sales – lower than any previous program.⁸ The National OCS Program notably does not include a sale in 2024, making it the first year since 1958 that the U.S. has not conducted an offshore lease sale.⁹

The Biden administration has continued its war on American energy by promulgating regulations that increase costs and red tape on domestic producers operating on federal lands. These include a new supplemental environmental assessment (EA) analyzing greenhouse gas emissions that could impact 3,600 oil and natural gas leases sold between 2015-2020,¹⁰ seven new Instruction Memoranda related to leasing on federal lands,¹¹ a final rule regulating emissions from oil and natural gas production on federal lands,¹² a final onshore leasing regulation that would significantly increase fees and reduce available acreage,¹³ resource management plan revisions that would prevent oil and gas exploration and production on large swaths of land,^{14 15} a cancellation of leases in the 1002 Area of the Arctic National Wildlife Refuge,¹⁶ and a rule that would lock up over half of the National Petroleum Reserve in Alaska (NPR-A).¹⁷ These regulations will restrict leasing lands and increase operators' costs, which will be passed along to American consumers. Additionally, these regulations will especially negatively impact small businesses operating on federal lands and jeopardize critical revenue streams for states and rural and indigenous communities.

⁶ American Petroleum Institute. (2023, November 15). *API statement on Fifth Circuit decision on Lease Sale 261*. Retrieved from <https://www.api.org/news-policy-and-issues/news/2023/11/15/api-statement-on-fifth-circuit-decision-on-lease-sale-261>.

⁷ Bureau of Ocean Energy Management. *Lease Sale 261*. Retrieved from <https://www.boem.gov/oil-gas-energy/leasing/lease-sale-261>.

⁸ Bureau of Ocean Energy Management. (2024). Fiscal Year 2025 Budget Justifications and Performance Information (p. 54). U.S. Department of the Interior. Retrieved from https://www.boem.gov/sites/default/files/documents/about-boem/FY2025_BOEM_Greenbook.pdf.

⁹ Bureau of Ocean Energy Management. (2024). Summary statistics for all offshore oil and gas lease sales (February 2024). U.S. Department of the Interior. Retrieved from <https://www.boem.gov/sites/default/files/documents/about-boem/All%20Lease%20Offerings%20%28February%202024%29.pdf>.

¹⁰ BLM REQUESTS PUBLIC INPUT ON REVISED GREENHOUSE GAS LEASING ANALYSIS, Nov. 9, 2022, <https://www.blm.gov/press-release/blm-requests-public-input-revised-greenhouse-gas-leasing-analysis>.

¹¹ The BLM issues updated oil and gas leasing guidance, https://www.blm.gov/sites/default/files/docs/2022-11/Fact%20Sheet_Oil%20and%20Gas%20Leasing%20Guidance_%2011.21.22.pdf.

¹² 89 FR 25378, <https://www.federalregister.gov/documents/2024/04/10/2024-06827/waste-prevention-production-subject-to-royalties-and-resource-conservation#:~:text=On%20November%2030%2C%202022%2C%20the,gas%20from%20venting%2C%20flaring%2C%20and>.

¹³ RIN 1004-AE80, <https://www.blm.gov/sites/default/files/docs/2024-04/BLM-Fluid-Minerals-Leasing-FinalRule.pdf>.

¹⁴ Draft RMP and EIS for the Rock Springs RMP Revision, Wyoming, 88 Fed. Reg. 56654, August 18, 2023, <https://www.federalregister.gov/d/2023-17787>.

¹⁵ Notice of Availability of the Draft Resource Management Plan and Supplemental Environmental Impact Statement for the Colorado River Valley Field Office and Grand Junction Field Office Resource Management Plans, Colorado, 88 FR 51855, August 4, 2023, <https://www.federalregister.gov/d/2023-16598>.

¹⁶ U.S. Department of the Interior, Biden-Harris Administration Takes Major Steps to Protect Arctic Lands and Wildlife in Alaska, 9/6/23, <https://doi.gov/pressreleases/biden-harris-administration-takes-major-steps-protect-arctic-lands-and-wildlife-alaska>.

¹⁷ RIN 1004-AE95, <https://www.blm.gov/sites/default/files/docs/2024-04/BLM-NPR-A-Final-Rule-1004-AE95.pdf>.

Coal Leasing – On August 15, 2022, a federal judge fully reinstated the moratorium on new coal leasing.¹⁸ In February 2024, the Ninth Circuit vacated this decision.¹⁹ Despite this ruling, DOI has failed to reverse course and resume proper review of coal operation expansion plans.²⁰

Critical Minerals – While no recommendations for streamlining the permitting process for new hardrock mines are included in the budget request, DOI issued a report from the Interagency Working Group (IWG) on Mining Reform in September 2023.²¹ Many of the recommendations in the report—like imposing a royalty on production and shifting the mining claims system to a leasing system—would discourage hardrock mining on federal lands.²² Despite the Biden administration’s acknowledgment that the U.S.’s “over-reliance on foreign sources and adversarial nations for critical minerals and materials [pose] national and economic security threats,”²³ DOI continues to shutter domestic mineral development. In January 2022, the Biden administration canceled the two-decades-old mineral leases held by Twin Metals Minnesota. The administration also withdrew over 225,000 acres of mineral-rich land in the same area from mineral development,²⁴ effectively barring new extraction of minerals, including copper, nickel, cobalt, platinum, and iron ore. On April 19, 2024, the Bureau of Land Management (BLM) recommended the “no action” alternative in the Final Supplemental Environmental Impact Statement (EIS) for the Ambler Mining District Industrial Access Road (Ambler Road) in Alaska.²⁵ BLM’s decision to refuse a right-of-way permit on the small section of the proposed 211-mile Ambler Road that crosses federal lands impedes access to an estimated \$7.5 billion in copper and other minerals such as zinc, cobalt, silver, and gold²⁶ and hinders development that could create over 65,000 jobs, \$5 billion in wages, and \$1.3 billion in local and state revenues for Alaska.²⁷

Plugging Orphaned Wells and Reclaiming Abandoned Mine Lands – The Infrastructure Investment and Jobs Act (IIJA) included \$4.7 billion to plug orphaned wells and authorized

¹⁸ Clark Mindock, “Judge reinstates Obama-era coal-leasing ban,” Reuters, August 15, 2022,

<https://www.reuters.com/legal/litigation/judge-reinstates-obama-era-coal-leasing-ban-2022-08-13/>.

¹⁹ Hannah Northey and Niina Farah, “9th Circuit ruling axes Obama-era freeze on coal leasing”, E&E, Feb. 21, 2024,

<https://www.eenews.net/articles/9th-circuit-ruling-axes-obama-era-freeze-on-coal-leasing/#:~:text=The%20appellate%20court%20panel%20found,moratorium%20on%20new%20coal%20leasing.&text=A%20federal%20appellate%20court%20on,coal%20leases%20on%20public%20lands.>

²⁰ Hannah Northey, “Coal Company sues Interior over delayed leasing,” Mar. 7, 2024,

<https://subscriber.politicopro.com/article/eenews/2024/03/07/coal-company-sues-interior-over-delayed-leasing-00145339>.

²¹ DOI, Press Release, Biden-Harris Administration Report Outlines Reforms Needed to Promote Responsible Mining on Public Lands, <https://www.doi.gov/pressreleases/biden-harris-administration-report-outlines-reforms-needed-promote-responsible-mining>.

²² NMA, Press Release, IWG Recommendation on mining Unworkable and Unreasonable, <https://nma.org/2023/09/12/iwg-recommendations-on-mining-unworkable-and-unreasonable/>.

²³ White House, Press Release, FACT SHEET: Securing a Made in America Supply Chain for Critical Minerals, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/22/fact-sheet-securing-a-made-in-america-supply-chain-for-critical-minerals/>.

²⁴ DOI, Press Release, Biden Administration Takes Action to Complete Study of Boundary Waters Area Watershed, <https://www.doi.gov/pressreleases/biden-administration-takes-action-complete-study-boundary-waters-area-watershed>.

²⁵ DOI, Press Release, Biden-Harris Administration Takes Critical Action to Protect Alaska Native Subsistence, Lands and Wildlife, <https://www.doi.gov/pressreleases/biden-harris-administration-takes-critical-action-protect-alaska-native-subsistence>.

²⁶ Lisa Friedman, “Interior Said to Reject Industrial Road Through Alaskan Wilderness”, N.Y. Times, Apr. 18, 2024, <https://www.nytimes.com/2024/04/16/climate/ambler-road-alaska-interior.html>.

²⁷ DOI, Press Release, Trump Administration Supports Alaskan Infrastructure Development to Mine Critical Minerals, <https://www.doi.gov/pressreleases/trump-administration-supports-alaskan-infrastructure-development-mine-critical>.

separate programs to clean up orphaned wells on federal and tribal lands, as well as grants to supplement existing state orphan well programs. Last year, DOI issued guidance²⁸ on implementing these orphaned well provisions. This guidance exceeds the statutory authority of the IJA and creates unnecessary administrative burdens, which will result in less funding for reclamation activities.^{29 30} DOI's Phase I formula grant awards to states have included requirements for Endangered Species Act and National Historic Preservation Act compliance, straining state resources, delaying projects, and ultimately resulting in fewer wells being plugged. Further, the budget requests \$175.8 million for the Abandoned Mine Reclamation Fund (AMR), \$6.9 million above the FY 2024 Continuing Resolution levels.³¹ This is in addition to the funding provided by the IJA, which included \$11.3 billion in AML reclamation grants to states and tribes,³² of which approximately \$725 million in funding is being distributed each year.³³

Tribal and Insular Energy – Rather than support full tribal self-determination through an all-of-the-above energy approach, the Bureau of Indian Affairs (BIA) budget request continues to highlight only clean energy and climate-change-related focuses. In the BIA's FY 2025 budget request, \$33.6 million is requested for Energy and Minerals activities which specifically mentions investment in the deployment of clean energy in tribal communities.³⁴ The Tribal Climate Resilience Program, which focuses on climate preparedness rather than addressing environmental changes in communities, proposes a \$48.8 million budget request, a \$13.8 million increase over the annualized FY 2024 CR allocation.³⁵ Overall, the BIA budget request includes an approximately \$26 million increase over the FY 2024 CR for all programs addressing “critical trust natural resource activities and investing in climate resilience and environmental justice.”³⁶

The FY 2025 Office of Insular Affairs (OIA) budget justification continues to pick winners and losers in the energy sector by promoting taxpayer money for renewable energy development only, irrespective of which energy sources best meet the needs of individual insular areas. While there are no budget increases associated with the \$15 million budget request for the Energizing Insular Communities (EIC) Program, the administration continues to bypass the all-of-the-above-energy strategy prioritizing “clean/renewable energy strategies” and transitioning the territories to a “clean energy future.”³⁷ The Committee believes this program should be expanded to include all forms of energy sources for electricity generation, ultimately supporting Insular Area

²⁸ Bipartisan Infrastructure Law Sec. 40601 Orphaned Well Program: Phase 1 (Fiscal Year 2023) State Formula Grant Guidance, United States Department of the Interior, <https://www.doi.gov/sites/doi.gov/files/draft-state-formula-guidance-2023123-eop-final-for-eop-approval.pdf>.

²⁹ Soraghan, Mike, “Texas Slams Interior Plan for Plugging Oil Wells,” EnergyWire, March 3, 2023, <https://subscriber.politicopro.com/article/eenews/2023/03/03/texas-protests-well-plugging-rules-00084843>.

³⁰ Railroad Commission of Texas, Letter to Kimbra Davis Director of the Orphaned Wells Program Office, February 24, 2023, <https://subscriber.politicopro.com/eenews/f/eenews/?id=00000186-9a04-d967-a396-de6c45290001>.

³¹ FY 2025 Budget Justification and Performance Information, p. 71, https://www.osmre.gov/sites/default/files/inline-files/FY25-OSMRE-Greenbook_1-4.9.24_0.pdf.

³² Public Law No. 117-58, Sec. 40601.

³³ OSMRE, FY 2025 Budget Justification and Performance Information, p. 2, https://www.osmre.gov/sites/default/files/inline-files/FY25-OSMRE-Greenbook_1-4.9.24_0.pdf.

³⁴ BIA Budget Justifications, FY 2025, at IA-ES-3. https://www.bia.gov/sites/default/files/media_document/fy2025-508-bia-greenbook.pdf.

³⁵ *Id.* at IA-TNR-5.

³⁶ *Id.* at IA-TNR-5 to IA-TNR-6; See also, FY 2025 Bureau of Indian Affairs-Bureau Highlights, <https://www.doi.gov/media/document/fy2025-bureau-indian-affairs-bureau-highlights>, p. 2.

³⁷ OIA Budget Justifications, FY 2025, at 56. <https://www.doi.gov/media/document/fy-2025-office-insular-affairs-greenbook>.

self-determination and the ability of each insular area to develop the mix of energy sources that best meet their needs.

As noted in the budget justification, OIA’s EIC Program has and will continue to “adjust accordingly” to assist in the Biden administration’s efforts to transition the territories to renewables, such as solar and battery power.³⁸ Unfortunately, this provision would also force Insular Areas to increase electricity generated from renewable sources while ignoring liquefied natural gas (LNG), nuclear, biomass, and other options that are more reliable than intermittent renewable sources. Additionally, there is no mention of addressing energy security and the reliability of baseload energy sources for Insular Areas that suffer from frequent outages.

Defending America’s National Security

Biden Border Crisis – Almost immediately upon taking office, President Biden heeded the far-left’s open-border platform by weakening America’s immigration laws and reducing border security through executive action. President Biden’s ongoing abuse of executive authority has caused major operational challenges along the southern border and allowed international criminal cartels to thrive across our nation.³⁹ Some of the most dangerous areas along the U.S.-Mexico border are the estimated 693 miles that abut federal land, representing approximately 35 percent of the total 1,965 miles of the southern border.⁴⁰ Although the federal government seeks to protect the ecological and recreational value of these lands, such areas are often targeted by criminals, drug smugglers, and human traffickers because they are remote, thinly populated, and less frequently patrolled.⁴¹ Under the Biden administration, illegal immigration into the U.S. has reached an all-time high, embroiling the nation in an unprecedented crisis. U.S. Customs and Border Protection (CBP) reports approximately 9.1 million encounters with illegal immigrants since President Biden took office, including more than 7.5 million illegal crossings along the southern border.⁴² Despite this staggering total, CBP data shows the migrant crisis is only worsening each year.

There are devastating environmental consequences of illegal immigration. Illegal immigrants leave behind trash, including human waste, medical products, abandoned vehicles, and other refuse. The illegal dumping of trash threatens wildlife, destroys habitat, and attracts disease-carrying insects such as mosquitoes and flies. Human waste contaminates the drinking water of nearby residents. Illegal trails and wildfires sparked by cross-border violators’ (CBVs) campfires contribute to the destruction of wildlife habitat throughout federal borderlands. The violence associated with high levels of CBVs deprives the public of access to federal lands and causes significant damage to local environments.

³⁸ *Id.*

³⁹ Jessica M. Vaughan, *Biden Border Policies Are Working Fine — For the Cartels*, CENTER FOR IMMIGRATION STUDIES (Feb. 5, 2024), <https://cis.org/Vaughan/Biden-Border-Policies-Are-Working-Fine-Cartels>.

⁴⁰ Note: This estimate ranges from 632 miles to 820 miles. Federal and Indian Lands on the U.S.-Mexico Border, Congressional Research Service, February 21, 2018, <https://www.crs.gov/Reports/IF10832>.

⁴¹ Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf.

Despite the increasing severity of the Biden Border Crisis, the word “border” appears just once in the entire 260-page DOI budget document, specifically with reference to a \$1 million investment in water infrastructure along the Texas border and a \$11 million *reduction* in requested funds for “United States/Mexico Border Issues – Technical Support.” In contrast, the word “climate” appears 128 times, and the word “justice” appears 33 times.⁴³ Securing the border and combating illegal immigration will take a whole of government approach, and the federal land management agencies should be held accountable for their role in the failure to combat the consequences of illegal immigration.

Public Safety and Cartels Targeting Indian Country – Criminal cartels, such as the Sinaloa and the Jalisco New Generation cartels, target Indian country, particularly reservations located in Montana and Wyoming. These areas are targeted due to the higher prices for drugs in these areas compared to other areas of the U.S.,⁴⁴ the vast expanses of rural and often unpatrolled lands, and ongoing jurisdictional challenges that complicate law enforcement responses.⁴⁵ The impact of cartel activity is alarming among the Indian reservations in Montana and Wyoming and felt by every person in those communities.

The Office of Justice Services (OJS) within the BIA is charged with administering public safety and justice programs to fund law enforcement, corrections, and court services to support safe tribal communities. However, questions have been raised about OJS’s effectiveness, especially regarding drug trafficking in Indian country. Criminal cartels have long targeted rural Indian country for the distribution of their dangerous and illegal drugs due to the high profit margins in these areas, the general lack of law enforcement across vast expanses of rural lands, and jurisdictional concerns between tribal and local or state law enforcement agencies.⁴⁶

The BIA budget requests \$651 million for FY 2025 (an increase of \$71.5 million over the FY 2024 CR amount).⁴⁷ Most of this funding would be focused on criminal investigations and police services, with BIA stating that this increase would go towards increasing staff for both direct services and tribally run law enforcement programs.⁴⁸ Law enforcement is often stretched thin over vast expanses of rural land in Indian country, particularly in Western States.⁴⁹ For example, in Montana, the Northern Cheyenne tribe relies on just “two federally funded Bureau of Indian Affairs (BIA) tribal police officers per shift to patrol more than 440,000 acres of land that are home to roughly 6,000 residents, according to the tribal council.”⁵⁰ Similarly, the adjacent Crow Reservation, the largest in Montana, has “four to six police officers per shift to patrol a swath of land the size of Rhode Island.”⁵¹ The cartels know how to identify and exploit “social, economic

⁴³ DOI, Fiscal Year 2025 The Interior Budget in Brief, March 2024, <https://www.doi.gov/media/document/fy2025-508-bib-entire-document>.

⁴⁴ Lisa Cavazuti et al., *Mexican drug cartels are targeting America’s ‘last best place’*, NBC NEWS (Feb. 10, 2024), <https://www.nbcnews.com/news/mexican-drug-cartels-are-targeting-americas-last-great-place-rcna130822>.

⁴⁵ *Methamphetamine in Indian Country: An American Problem Uniquely Affecting Indian Country*, The National Congress of American Indians (November, 2006), https://www.justice.gov/archive/tribal/docs/fv_tjs/session_1/session1_presentations/Meth_Overview.pdf.

⁴⁶ *Id.*

⁴⁷ BIA Budget Justifications, FY 2025, at IA-PSJ-1.

⁴⁸ BIA Budget Justifications, FY 2025, at IA-PSJ-2.

⁴⁹ *Id.*

⁵⁰ Cavazuti, *supra* note 44.

⁵¹ *Id.*

and justice vulnerabilities that each tribal nation has,”⁵² including the long-standing jurisdictional concerns between federal, state, local, or tribal criminal justice agencies that further complicate law enforcement efforts.⁵³

The cartels have shifted their attention and resources to rural areas that tend to attract significantly higher prices for narcotics, making states such as Montana and Wyoming prime targets for criminal cartels. In Montana, pills can be sold for “20 times the price they get in urban centers closer to the border.”⁵⁴ A counterfeit fentanyl pill coming over from Mexico sells for around “\$3 to \$5 in cities like Seattle and Denver where drug markets are more established, but up to \$100 in remote parts of Montana.”⁵⁵ On the Fort Peck Reservation in Montana, law enforcement officers report that “an average opioid user’s daily dosage is between 10-20 pills” and the “average cost per pill is \$120.”⁵⁶ These high prices contribute to increased crime on Indian reservations, as opioid addicts often turn to dealing drugs themselves or committing other harmful crimes in their communities to support their expensive habit.⁵⁷

While the BIA budget justification states that the requested increase for public safety and justice “would impact both direct service and tribally run programs in a large number of locations where violent crime rates are well above the national average” there is no indication of specifically how these funds would be focused to address the pressing issue of drug cartels infiltrating and exploiting tribal communities.⁵⁸

Compacts of Free Association – The United States holds compact agreements with three sovereign Pacific Island countries, the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau (Palau), collectively known as the Freely Associated States (FAS). Through the Compact of Free Association (COFA), the U.S. gains exclusive access to the security and defense rights of these nations in exchange for U.S. economic assistance and defense guarantees.⁵⁹ These rights allow the U.S. to establish military facilities on the islands and to exercise strategic denial, in which the U.S. can deny foreign military access to FAS land, air, and maritime territory. The importance of these rights and relationships cannot be understated as the FAS maritime space provides a critical buffer between the People’s Republic of China (PRC) and the U.S. These compact agreements are integral to the United States’ ability to exercise peace through strength with our allies to counter increasing global threats.

The economic provisions of these agreements were renewed through the passage of H.R. 4366, the *Consolidated Appropriations Act of 2024*.⁶⁰ Under the renewed COFA, the three FAS

⁵² *Addressing the Harmful Effects of Dangerous Drugs in Native Communities: Hearing before the Senate Comm. on Indian Affairs, 114th Cong.* (2015) (Statement of Darwin St. Clair, Chairman, Eastern Shoshone Tribe).

⁵³ *Methamphetamine in Indian Country*, *supra* note 45.

⁵⁴ Cavazuti, *supra* note 44.

⁵⁵ *Id.*

⁵⁶ *Fentanyl in Native Communities: Native Perspective on Addressing the Growing Crisis: Hearing before the Senate Comm. on Indian Affairs, 118th Cong.* (2023) (Statement of Bryce Kirk, Councilman, Assiniboine and Sioux Tribes of the Fort Peck Reservation).

⁵⁷ *Id.*

⁵⁸ BIA Budget Justifications, FY 2025, at IA-PSJ-2.

⁵⁹ OIA Budget Justifications, FY 2025, at 1.

⁶⁰ Public Law 118-42.

countries will receive a total of \$6.5 billion in economic assistance from FY 2024 through FY 2043. The U.S. Postal Service will also receive \$634 million for providing postal services to the FAS for the next twenty years. The budget justification for the OIA includes \$1.57 billion in mandatory funding for COFA.⁶¹

Promoting Access to Our Natural Resources and Conservation with a Purpose

BLM Public Lands Rule – The BLM announced its final so-called “Conservation and Landscape Health” rule (Rule) on April 18, 2024.⁶² The Rule will fundamentally upend the agency’s longstanding, statutory multiple use and sustained yield mandate and cede control of federal lands to wealthy elites and environmental extremists. BLM is guided by a multiple use and sustained yield mandate under the Federal Land Policy and Management Act (FLPMA).⁶³ These uses include livestock grazing, energy and mineral development, timber production, outdoor recreation, habitat for wildlife, and watershed protection. Meaningful conservation work continues to occur simultaneously with, and often benefiting from, these multiple uses.

The finalized Rule will broadly allow the BLM to lease lands under new and vaguely defined restoration and mitigation leases and change standards around land use decisions. If the administration determines uses, such as grazing, energy production, mining, or recreation, are incompatible with a lease, land health standards, or an Area of Critical Environmental Concern (ACEC), those uses would not be allowed and could be prohibited indefinitely from those lands. This would effectively lock up lands indefinitely from multiple use, including potential historic uses of the land. Representative Curtis (R-UT) introduced the Western Economic Security Today (WEST) Act in May of 2023 to permanently withdraw the Rule.

Water Infrastructure – The Bureau of Reclamation (Reclamation) was established in 1902 and manages federal water projects for agriculture, municipal and industrial purposes, and flood control projects across 17 western states.⁶⁴ Reclamation’s efforts support \$34.1 billion in economic activity and roughly 450,700 jobs.⁶⁵ In recent years, Reclamation has received funding through multiple enacted laws. The IJA allocated \$8.3 billion for Reclamation, almost five times more than their FY 2021 discretionary appropriations, with an additional \$2.5 billion to the Secretary of the Interior for authorized Indian water rights settlements.⁶⁶ Additionally, the Inflation Reduction Act (IRA) included more than \$4 billion for water management and conservation efforts across the Colorado River Basin.⁶⁷

⁶¹ OIA Budget Justifications, FY 2025, at 5.

⁶² Public Lands Rule, Bureau of Land Management, accessed April 18, 2024, <https://www.blm.gov/sites/default/files/docs/2024-04/BLM-Conservation-Landscape-Health-Final-Rule.pdf>.

⁶³ Public Law 94-579.

⁶⁴ FY 2025 Bureau of Reclamation Budget Request. GS-1. <https://www.usbr.gov/budget/2025/FY-2025-Bureau-of-Reclamation-Budget-Justifications.pdf>

⁶⁵ *Id.*

⁶⁶ Congressional Research Service. Bureau of Reclamation Provisions in the Infrastructure Investment and Jobs Act (P.L. 117-58). Updated March 21, 2024. <https://crsreports.congress.gov/product/pdf/R/R47032>.

⁶⁷ Congressional Research Service. Bureau of Reclamation Funding in the Inflation Reduction Act (P.L. 117-169). Updated March 22, 2024. <https://crsreports.congress.gov/product/pdf/IF/IF12437#:~:text=In%20August%202022%2C%20Congress%20enacted,the%20Department%20of%20the%20Interior.>

The President’s Budget Request for FY 2025 totals nearly \$1.6 billion for Reclamation,⁶⁸ \$200 million more than what was requested for FY 2024,⁶⁹ and \$300 million less than FY 2024 enacted levels. Within this request, Reclamation requests \$211.2 million for Reclamation’s Dam Safety Program,⁷⁰ with more than \$182 million for dam modification actions.⁷¹ Reclamation states that the Dam Safety Program “represents a major funding need over the next 10 years,” and that they have “identified 12 projects with anticipated modification needs through 2030.”⁷² Reclamation also states that it seeks to “achieve the best use of its limited resources to ensure dam safety and maintain our ability to store and divert water and to generate hydropower.”⁷³ At the same time, Reclamation requests and spends a substantial amount of its project-specific funding on ESA compliance. For example, in Oregon’s Klamath Project almost 70 percent (\$24.6 million) of the project’s federal funding is to meet ESA-related requirements.⁷⁴

U.S. Fish and Wildlife Service (USFWS or Service) – The Service implements the Endangered Species Act (ESA), the Lacey Act, and aspects of the Marine Mammal Protection Act (MMPA). They manage over 850 million acres of land and water across the United States, with nearly 800 field stations, 6 Fish Health Centers, 7 Fish Technology Centers, and 51 Fish and Wildlife Conservation Offices. The Service manages 570 National Wildlife Refuges, 71 National Fish Hatcheries, and 79 Ecological Services Field Stations. The Service has approximately 9,000 employees that work across the United States.⁷⁵

For FY 2025, the President’s Budget Request represents a \$163.4 million increase over FY 2024 enacted levels. Notably, the Service requests \$1.7 billion for its principal account, Resource Management, which represents a \$150.9 million increase.⁷⁶ The Service states that this budget will help support 9,183 full-time equivalents (FTEs).⁷⁷

National Wildlife Refuge System – The President’s Budget Request includes \$602.3 million for FY 2025 for the National Wildlife Refuge System (System),⁷⁸ including \$160.1 million for Refuge Maintenance and \$63.4 million for increased law enforcement capacity.⁷⁹ As the

⁶⁸ FY 2025 Bureau of Reclamation Budget Request. GS-1. <https://www.usbr.gov/budget/2025/FY-2025-Bureau-of-Reclamation-Budget-Justifications.pdf>.

⁶⁹ USBR, Press Release: *President’s Fiscal Year 2024 Budget Requests \$1.4 Billion for the Bureau of Reclamation*, March 9, 2023. <https://www.usbr.gov/newsroom/news-release/4441>.

⁷⁰ FY 2025 Bureau of Reclamation Budget Request. W&RR-8. <https://www.usbr.gov/budget/2025/FY-2025-Bureau-of-Reclamation-Budget-Justifications.pdf>.

⁷¹ FY 2025 Bureau of Reclamation Budget Request. GS-6. <https://www.usbr.gov/budget/2025/FY-2025-Bureau-of-Reclamation-Budget-Justifications.pdf>.

⁷² *Id.*

⁷³ FY 2025 Bureau of Reclamation Budget Request. GS-5. <https://www.usbr.gov/budget/2025/FY-2025-Bureau-of-Reclamation-Budget-Justifications.pdf>.

⁷⁴ FY 2025 Bureau of Reclamation Budget Request. CGB - 55. <https://www.usbr.gov/budget/2025/FY-2025-Bureau-of-Reclamation-Budget-Justifications.pdf>.

⁷⁵ FY 2025 Greenbook. EX-1. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf#page=24>.

⁷⁶ FY 2025 Greenbook. EX-04. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf#page=24>.

⁷⁷ *Id.*

⁷⁸ FY 2025 Greenbook. EX-12. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf#page=24>.

⁷⁹ *Id.*

Committee noted in a recent oversight hearing with the Service,⁸⁰ these proposed funding increases coincide with proposed cuts to important programs with bipartisan support like the North American Wetlands Conservation Act (NAWCA). For FY 2025, the Service’s Budget Request proposes cutting funding for that program by nearly one-third, from \$49 million to \$33 million.⁸¹

The funding request for the System comes as the Biden administration seeks drastic changes to the way the System is managed. On February 2, 2024, the Service issued a proposed rule to “ensure that the biological integrity, diversity, and environmental health (BIDEH) of the National Wildlife Refuge System (Refuge System) are maintained.”⁸²

The proposed rule would alter how refuge managers operate on System lands, creating a new “default position” that prohibits certain management practices unless a full analysis of the environmental impacts of the proposed activity is conducted in accordance with the National Environmental Policy Act (NEPA). Additional scientific peer review would also be required. These proposed changes would impact cooperative agricultural management practices on System lands, along with pesticide usage and predator control efforts, among other issues. The Committee held an oversight hearing on this issue on April 10, 2024.⁸³

Endangered Species Act (ESA) – Since taking office, the Biden administration has taken several actions that weaponize the ESA. In response to this overreach, over the course of the 118th Congress, the Committee has sought to hold the Biden administration accountable through legislative initiatives, letters, oversight efforts, and hearings. Recently, the Biden administration finalized three rulemakings that were proposed in June 2023. These new rules reverse reforms that were made during the previous administration, which sought to change how federal agencies consult with the Service under Section 7 of the ESA and how critical habitat designations are conducted.⁸⁴ A third rule recently finalized reinstated the “blanket 4(d) rule,” which reverses changes the Trump administration pursued to ensure the Service treated endangered and threatened species differently in accordance with congressional intent.⁸⁵ Notably, the Service states in its Budget Request for the Ecological Services program that, as recommended in the America the Beautiful Report, “the Service is moving away from managing species by species to focus on place based recovery plans that include considerations of changing climates.”⁸⁶ For FY

⁸⁰ House Natural Resources Committee hearing, “The National Wildlife Refuge System at Risk: Examining the Impacts of the U.S. Fish and Wildlife Service’s Proposed BIDEH Rule.” April 10, 2024. <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=415815>.

⁸¹ USFWS Budget Table for FY 2025. U.S. Fish and Wildlife Service. https://naturalresources.house.gov/uploadedfiles/fws_fy_2025_summary_table_nwrs_breakdown.pdf.

⁸² U.S. Fish and Wildlife Service. National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health. Proposed Rule. February 2, 2024. <https://www.federalregister.gov/documents/2024/02/02/2024-02076/national-wildlife-refuge-system-biological-integrity-diversity-and-environmental-health>.

⁸³ House Natural Resources Committee hearing, “The National Wildlife Refuge System at Risk: Examining the Impacts of the U.S. Fish and Wildlife Service’s Proposed BIDEH Rule.” April 10, 2024. <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=415815>.

⁸⁴ House Natural Resources Committee. Westerman Blasts ESA Rules That Reverse Critical Reforms. March 28, 2024. <https://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=415804>.

⁸⁵ *Id.*

⁸⁶ Budget Justifications and Performance Information Fiscal Year 2025.” The United States Department of the Interior. U.S. Fish and Wildlife Service. Page ES-28. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf>

2025, the President’s Budget seeks \$23.9 for species listings under the ESA,⁸⁷ a \$1.9 million increase from the FY 2024 enacted level of \$22 million.

Ecological Services – The President’s Budget Request for FY 2025 includes \$338.2 million for the Service’s Ecological Services program,⁸⁸ which is a \$49.9 million increase from FY 2024 enacted levels. This request includes \$146.6 million for Planning and Construction,⁸⁹ and notes that environmental reviews “constitute a large and growing workload for the Service,”⁹⁰ and that the Service is “continuously seeking ways to improve the efficiency, consistency, transparency, and effectiveness of environmental review and permitting development projects.”⁹¹ However, as Republicans on this Committee have continuously noted, delays and burdensome requirements under NEPA continue to impact environmental protection and restoration efforts across federal agencies. Notably, the Service’s FY 2025 Budget Request for Ecological Services includes a proposed reduction of \$500,000 and 3 FTEs for NEPA Permitting, stating that “the decrease will reduce technical assistance for agencies in support of the National Environmental Policy Act.”⁹²

Forest and Rangeland Health and Wildland Firefighting – The DOI budget requests \$1.3 billion for the Wildland Fire Management Program. Of this, \$100 million is identified for a legislative proposal to provide a permanent increase in pay for wildland firefighters. While our brave wildland firefighters deserve fair pay, the budget request fails to identify any long-term funding sources for this pay increase. Further, the budget fails to pair firefighter pay reforms with the forest management reforms that are necessary to protect wildland firefighter health and safety by decreasing the scale and severity of the wildland fire on the landscape. DOI’s budget requests substantial increases in funding for hazardous fuels reduction without actually committing to treating any additional acreage of fire-prone lands.

Approximately 2.7 million acres of land burned last year, with roughly 23 percent being lands administered by DOI.⁹³ To address the growing wildfire crisis, on April 4, 2022, DOI announced its “Wildfire Risk Five-Year Monitoring, Maintenance, and Treatment Plan” as a complement to the U.S. Forest Service’s 10-Year “Confronting the Wildfire Crisis” Strategy.⁹⁴ However, unlike the Forest Service’s strategy, DOI did not set a goal of additional acres to treat annually despite identifying more than 7.1 million acres of DOI lands in fire-sheds with a high or very high likelihood of wildfire exposure.⁹⁵ For the second year in a row, the budget justification for Wildland Fire Management makes no explicit mention of DOI’s five-year plan and requests

⁸⁷ Budget Justifications and Performance Information Fiscal Year 2025.” The United States Department of the Interior. U.S. Fish and Wildlife Service. Page BG-1. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf>.

⁸⁸ Budget Justifications and Performance Information Fiscal Year 2025.” The United States Department of the Interior. U.S. Fish and Wildlife Service. Page EX-5. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf>.

⁸⁹ *Id.*

⁹⁰ Budget Justifications and Performance Information Fiscal Year 2025.” The United States Department of the Interior. U.S. Fish and Wildlife Service. Page EX-6. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf>.

⁹¹ *Id.*

⁹² Budget Justifications and Performance Information Fiscal Year 2025.” The United States Department of the Interior. U.S. Fish and Wildlife Service. Page ES-15. <https://www.fws.gov/sites/default/files/documents/2024-03/fy2025-508-fws-greenbook.pdf>.

⁹³ National Interagency Coordination Center, “Wildland Fire Summary and Statistics Annual Report,” 2023,

https://www.nifc.gov/sites/default/files/NICC/2-Predictive%20Services/Intelligence/Annual%20Reports/2023/annual_report_2023_0.pdf.

⁹⁴ DOI and U.S. Department of Agriculture, “Wildfire Risk Five-Year Monitoring, Maintenance, and Treatment Plan,” April 2022, https://www.doi.gov/sites/doi.gov/files/bil-5-year-wildfire-risk-mmt-plan.04.2022.owf_final.pdf.

⁹⁵ *Id.*

\$287.6 million for Fuels Management to support treatments on approximately 1.8 million acres of land. Concerningly, this is a decrease in the amount requested, and DOI plans to treat less acreage than was reflected in its FY 2023 plans.

30x30 Initiative – The Biden budget continues to support the 30x30 Initiative, which underwent a failed re-brand as the “America the Beautiful Initiative.” On May 6, 2021, DOI and other federal departments released an “interim” report titled “Conserving and Restoring America the Beautiful,” which outlined a 10-year campaign to preserve 30 percent of U.S. lands and waters by 2030.⁹⁶ Despite years of unanswered Congressional inquiries, the administration failed to address basic, fundamental questions about 30x30. The administration recently released its “American Conservation and Stewardship Atlas,” nearly three years late, despite the fact that DOI has already been implementing 30x30 without clear goals or definitions and in whatever manner it considers convenient on any given day. This is a continued threat to working lands, private landowners, and multiple uses of land.

Managing Our Lands for Conservation – President Biden has recently designated several new national monuments using authorities under the Antiquities Act of 1906. Alarming, this trend shows no signs of slowing down as the budget requests \$3.1 million “in the National Park Service (NPS) budget to support recent or potential new designations that preserve important places and tell the stories of those historically underrepresented.” In comparison, the entire BLM Rangeland Management and Public Domain Forestry Management accounts only request \$2.7 million and \$213,000 increases, respectively. These accounts are vital to sustaining the BLM’s multiple use mandate, promoting forest health, and promoting economic opportunities such as grazing. Instead of focusing on locking up new lands, the BLM should focus on carrying out its multiple use and sustained yield mission. The budget is also full of examples of misplaced priorities justified under the guise of conservation or climate. For example, DOI proposes \$275 million to study the impacts of climate change and change land management practices from the federal to the local level.

Payments in Lieu of Taxes – Federal government land is non-taxable. This severely hurts local economies whose tax base is limited due to the high presence of federal land. As an attempt to compensate for this, federal programs exist to compensate local jurisdictions for the presence of nontaxable federal lands, such as DOI’s Payments in Lieu of Taxes (PILT) program. PILT compensates local governments, often counties, based on a methodology including population and acres of federal land. In Fiscal Year 2023, PILT paid \$578.8 million to more than 1,900 counties.⁹⁷ Concerningly, the budget proposes a reduction in PILT of \$153 million due to “the need to balance funding requirements in a constrained budget environment.”⁹⁸

Holding the Biden Administration Accountable

Failure to Respect Congressional Oversight – During the 118th Congress, the House Committee on Natural Resources continues to hold the Biden administration accountable in order to protect

⁹⁶ DOI, “Conserving and Restoring America the Beautiful,” 2021, <https://www.doi.gov/sites/doi.gov/files/report-conserving-and-restoring-america-the-beautiful-2021.pdf>.

⁹⁷ Payments in Lieu of Taxes (PILT): Section 6902 Payments, Congressional Research Service, June 21, 2023, <https://www.crs.gov/Reports/pdf/IF11772/IF11772.pdf>.

⁹⁸ DOI FY25 Budget Briefing to Congressional Staff, March 19, 2024. Comments on file with Committee.

taxpayers from government waste, fraud, and abuse. Since retaking the Majority, the Natural Resources Committee, Subcommittee on Oversight and Investigations have sent a total of 47 oversight letters and held 17 oversight hearings. Numerous transcribed and/or off-the-record interviews with administration witnesses, as well as staff and member briefings have taken place, with additional oversight requests and letters in the works.

Republican Members of the Committee on Natural Resources will continue to hold the Biden administration accountable for executive overreach, inefficient use of taxpayer dollars, attempts to provide inadequate responses or evasive answers to Congressional inquiries, and/or ignoring deadlines for document production. The Committee looks forward to a robust commitment from the Secretary on Congressional oversight and document production during the remainder of the 118th Congress, particularly given Secretary Haaland's past position on the necessity and importance of robust congressional oversight and investigations.

Using NPS Lands for Illegal Migrant Camps: Floyd Bennett Field – On August 21, 2023, DOI and NPS agreed to lease Floyd Bennett Field to New York City for a migrant encampment.⁹⁹ In response, New York State Governor Hochul described it as a “significant development” because she was working with the Biden administration for “many many many months” to house migrants on Floyd Bennett Field after DOI and NPS said they “do not allow” the use of national park land for migrant housing.¹⁰⁰ On September 15, 2023, the parties executed the lease (FBF Lease) that enabled the construction of the migrant camp on National Park Service land.¹⁰¹

Despite establishing a migrant encampment at Floyd Bennett Field, the migrant crisis in New York City has continued unabated. The continued crisis led Mayor Eric Adams to state that “we cannot continue to do the federal government’s job” as New York City buckles under the failed immigration policies of President Biden.¹⁰² Meanwhile, to help New York City stay afloat, Mayor Adams issued an executive order to control when bus companies could deliver migrants to the city and requiring bus companies to provide advance notice of migrant arrivals.¹⁰³ The migrant crisis in New York City has led to increased crime. The widespread reports of criminality in and around the Floyd Bennett Field migrant encampment include domestic violence, assault, shoplifting, panhandling scams, prostitution, and panhandling.¹⁰⁴

⁹⁹ Eyewitness News, *Floyd Bennett Field to be used to house asylum seekers in Brooklyn, Hochul announces*, ABC NEWS (Aug. 21, 2023), <https://abc7ny.com/nyc-migrants-asylum-seekers-floyd-bennett-field/13680120/>; Jon Campbell, *White House approves migrant shelter at Brooklyn’s Floyd Bennett Field, Gov. Hochul says*, GOTHAMIST (Aug. 21, 2023), <https://gothamist.com/news/white-house-approves-migrant-shelter-at-brooklyns-floyd-bennett-field-gov-hochul-says>.

¹⁰⁰ *Id.*

¹⁰¹ FBF Lease, *supra* note 99.

¹⁰² *Transcript: Mayor Adams Holds Virtual Media Briefing with Chicago Mayor Johnson and Denver Mayor Johnston to Discuss Asylum Seeker Crisis with Coalition of Cities*, CITY OF NEW YORK (Dec. 27, 2023), <https://www.nyc.gov/office-of-the-mayor/news/992-23/transcript-mayor-adams-holds-virtual-media-briefing-chicago-mayor-johnson-denver-mayor>.

¹⁰³ Jeffery C. Mays and Dana Rubinstein, *As Migrant Arrivals Surge, Adams Sets Controls on Bus Arrivals*, N.Y. TIMES (Dec. 27, 2023), <https://www.nytimes.com/2023/12/27/nyregion/mayor-adams-migrants-bus.html>.

¹⁰⁴

Carl Campanile, *Migrants’ pricey cars towed outside controversial NYC shelter in same area where they begged door to door*, NEW YORK POST (Jan. 6, 2024), <https://nypost.com/2024/01/06/metro/at-least-five-unregistered-vehicles-used-by-migrants-parked-outside-floyd-bennet-field-shelter-towed/>; Georgia Worrell et al., *Fear and loathing at Brooklyn’s Floyd Bennett Field: Neighbors fuming over migrants’ ‘lawlessness’*, NEW YORK POST (Jan. 13, 2024), <https://nypost.com/2024/01/13/metro/brooklyn-residents-fuming-over-migrants-lawlessness/>; Sarah Goodman et al., *City Hall vows to probe ‘lawlessness’ following Post report on spike in crime around Floyd Bennett Field migrant shelter*, NEW YORK POST (Jan. 14, 2024), <https://nypost.com/2024/01/14/metro/city-will-probe-any->

Outside Contractors Pushing Social Change Initiatives – On March 14, 2023, Chairman Westerman led a letter questioning the use of taxpayer dollars by the FWS to fund “eco-grief” training for employees.¹⁰⁵ These trainings seek to “normalize the wide range of emotional responses that conservationists experience while empowering participants to act while taking care of themselves.”¹⁰⁶ FWS responded to the Committee on March 31, 2023, stating the training cost \$11,600 and that no further trainings were planned.¹⁰⁷

Following this response, the Committee received additional reports of the FWS hiring outside consultants at taxpayer expense for various trainings, workshops, and projects in related areas. The Service purportedly utilizes the expertise of outside consultants to institute “social change” initiatives, including but not limited to programs on social justice, environmental justice, eco-grief, diversity, equity, inclusion, and accessibility (DEIA); and justice, equity, diversity, inclusion, and accessibility (JEDIA).

The FWS’ use of outside consultants during the Biden administration to push “social change” initiatives includes, but is not limited to, spending nearly \$2.5 million on Metropolitan Group L.L.C.,¹⁰⁸ a “social change agency” from Portland, Oregon.¹⁰⁹ Other outside consultants used by the FWS for “social change” initiatives purportedly include, but are not limited to, Partners For Performance, Inc.; Collabovate Consulting, L.L.C., which develops pathways for “racial equity transformation”¹¹⁰ in organizations; and Syah B. Consulting, whose mission is to “transform workplace culture.”¹¹¹

Abuse of Nonprofits and Ethics Concerns – Under the leadership of Secretary Haaland, DOI has cultivated close and potentially improper relationships with activist nonprofits driving the Biden administration’s agenda. Information obtained from media reports, document productions in response to Freedom of Information Act (FOIA) requests, and Congressional oversight from Committee raises serious concerns about DOI’s relationship with these groups. The Committee is particularly concerned about undisclosed ex parte communications and off-the-record meetings between DOI officials and nonprofit staff.

[lawlessness-by-migrants-at-bennett-floyd-field/?utm_source=ground.news&utm_medium=referral](https://www.dailymail.co.uk/news/article-12962373/Floyd-Bennett-Field-New-York-migrant-crime-shelter-arrests.html); Isabelle Stanley, *Floyd Bennett Field migrants leaves NYC’ers fuming over reported spike in robberies, scams and an arrests near shelter*, DAILY MAIL (Jan. 14, 2024), <https://www.dailymail.co.uk/news/article-12962373/Floyd-Bennett-Field-New-York-migrant-crime-shelter-arrests.html>; Craig McCarthy & Alex Oliveria, *Adams ‘looking into’ imposing curfew at migrant shelters as panhandling, crime surges*, NEW YORK POST (Jan. 11, 2024), <https://nypost.com/2024/01/11/metro/adams-looking-into-imposing-curfew-at-migrant-shelters-as-panhandling-crime-surges/>.

¹⁰⁵ Bruce Westerman, 3/14/2023. [eco-grief letter.pdf \(house.gov\)](#).

¹⁰⁶ “A world of hurt: Workshops aim to help federal employees cope with “ecogrief.”” Stephen Dinan. The Washington Times. 2/15/23. [Ecogrief: Interior Department pays to help employees deal with emotional trauma of climate change - Washington Times](#).

¹⁰⁷ *Id.*

¹⁰⁸ USASPENDING.GOV, *FY2021-2023 USFWS Spending on Metropolitan Group L.L.C.*, <https://www.usaspending.gov/search/?hash=73e292011d87b703826370f353d0f710>, (last visited Apr. 22, 2023).

¹⁰⁹ METROPOLITAN GROUP, <https://www.metgroup.com/> (last visited May 16, 2023).

¹¹⁰ Krischanna Roberson, *Bio*, COLLABOVATE CONSULTING (June 16, 2020), <https://www.collabovateconsulting.com/post/2020/06/16/bio>.

¹¹¹ SYAH B. CONSULTING, <https://www.deepdivedei.com/> (last visited May 16, 2023).

Notably, limited information in the public domain suggests that senior DOI officials improperly worked with radical anti-use nonprofits during natural resource withdrawals in New Mexico and Minnesota. Specifically, the Committee is concerned with Secretary Haaland's involvement in the Chaco withdrawal decision, in conjunction with her involvement with the Pueblo Action Alliance, among other groups.¹¹² In addition, the Committee is concerned with meetings between The Wilderness Society and high-level political appointees within DOI regarding the Twin Metals Mine.¹¹³

Great American Outdoors Act – Following a steady rise in the NPS maintenance backlog throughout the 2010's, a growing coalition of NPS stakeholders began to push Congress to provide a solution to a maintenance backlog that reached \$12.7 billion by the end of FY 2019. In 2020, Congress passed the Great American Outdoors Act (GAOA), making an unprecedented investment with the goal of ensuring our nation's treasured National Park System continues to be a source of pride for future generations of Americans. Four years following GAOA's passage, the investment made by Congress has failed to produce returns. The NPS backlog inexplicably increased to \$23.3 billion.¹¹⁴ In addition to the increased backlog, Committee Republicans have legitimate concerns as to whether decision-makers at DOI are appropriately using GAOA funding for their intended use to address deferred maintenance at NPS facilities around the country. DOI's FY 2025 budget includes \$45 million in GAOA funding for repairs at the White House.

The budget also proposes \$40 million in repairs at Gateway National Recreation Area in New York, the same unit the administration is currently using to house thousands of illegal immigrants. It is unclear whether any of these funds will be used to construct or improve housing for illegal migrants rather than restoring some of our nation's top crown jewels.

Payments for Tribal Leases and Tribal Contract Support Costs – The Indian Self-Determination and Education Assistance Act (ISDEAA) provides that tribes and tribal organizations carrying out federal functions under a self-determination contract or self-governance compacts may receive payments for tribal leases or contract support costs.¹¹⁵ Payments for tribal leases occur when a tribe or tribal organization enters into a lease agreement with DOI for the tribally owned or rented facility used to carry out those functions. Contract support costs cover the costs tribes incur for managing and administering tribally operated programs under ISDEAA. Both payments for tribal leases and contracts support costs are legally required to be paid under ISDEAA and *Salazar v. Ramah Navajo Chapter* and have, since 2012, been included in appropriations bills as ongoing, indefinite appropriations.¹¹⁶ The BIA has requested an additional \$37.5 million over FY 2024 CR levels for payments for tribal leases, bringing the total up to \$120 million. For FY 2025, the BIA requested \$426.2 million for contract support costs in discretionary funding.¹¹⁷ The FY 2025 budget once again includes a tone-deaf request that both

¹¹² See O&I April 30 Hearing Memo

¹¹³ Id

¹¹⁴ National Park Service, "Budget Justifications and Performance Information, Fiscal Year 2025," p. SpecEx-2, https://www.doi.gov/sites/default/files/documents/2024-03/fy2025-508-nps-greenbook_2.pdf

¹¹⁵ P.L. 93-638.

¹¹⁶ 567 U.S. 182 (2012).

¹¹⁷ BIA Budget Justifications, FY 2025, at IA-ES-5.

payments for tribal leases and contract support costs become mandatory spending, removing the oversight of the appropriations process.¹¹⁸

Indian Trusts and Land Consolidation – The BIA once again continues the Land Buy Back Program (LBBP), now rebranded as the Indian Land Consolidation Program. The FY 2025 budget requests \$11 million for the program (a \$3 million increase over FY 2024 CR enacted levels) with an emphasis on plans for adaptation to climate change.¹¹⁹ This emphasis can distract from focusing on tracts that are able to be quickly economically developed for the benefit of tribal communities. The proposal contains metrics or requirements that the Department focus on the consolidation of highly fractionated land with no suggestions for policy changes to make the program more sustainable. While the LBBP has made some progress in reducing fractionation, it is not a full solution. DOI’s own final report reveals a reduction of only approximately 500,000 of 2.9 million purchasable fractional interests over the 10-year life of the program.¹²⁰ DOI also acknowledged that without sustained purchasing efforts, the growth of fractionation is predicted to exceed pre-LBBP levels in just 15 years.¹²¹ Without policy changes to land consolidation programs, there will continue to be an uphill battle to put land fractionation in Indian country on a downward trajectory.

As seen in previous budget requests, the President’s FY 2025 budget includes a legislative proposal for the *Carcieri* “fix.”¹²² In 2009, the Supreme Court held in *Carcieri v. Salazar*¹²³ that the Secretary of the Interior may not acquire land for Indians pursuant to the Indian Reorganization Act¹²⁴ unless they are members of a tribe that was “under federal jurisdiction” in 1934. While there is support for tribes having land in trust, concerns remain with how enactment of this provision could lead to additional off-reservation gaming. Considering the outstanding concerns, any attempts to address *Carcieri* must be moved through regular order and carefully considered within Congress’ authorizing committees of jurisdiction.

¹¹⁸ BIA Budget Justifications, FY 2025, at IA-PTL-3.

¹¹⁹ BIA Budget Justifications, FY 2025, at IA-ILC-5.

¹²⁰ DOI. Land Buy-Back Program for Tribal Nations. Dec. 2023, p.2 <https://www.doi.gov/sites/default/files/doi-lbb.pdf>.

¹²¹ Id.

¹²² FY 2025 Budget Appendix at p. 661 https://www.whitehouse.gov/wp-content/uploads/2024/03/appendix_fy2025.pdf

¹²³ *Carcieri v. Salazar*, 555 U.S. 379 (2009). FY 2025 Budget Appendix at 661, https://www.whitehouse.gov/wp-content/uploads/2024/03/int_fy2025.pdf.

¹²⁴ Act of June 18, 1934, 48 Stat. 985 (25 U.S.C. 465), amended by P.L. 100-581, 102 Stat. 2941.