

COMMITTEE ON NATURAL RESOURCES

Oversight Plan

114th Congress



Chairman Rob Bishop

January 28, 2015

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 113th 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 114th Congress, the Committee will continue to pursue aggressive oversight of the Executive Branch. To ensure a specific focus, the Committee will form a new subcommittee entirely dedicated to oversight and investigation of each federal agency within its jurisdiction. Additionally, through oversight hearings and investigations the Committee and its subcommittees will focus 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, though additional oversight activities are expected to be generated throughout the first and second sessions of the 114th Congress.

Federal Lands

Budget and Spending Review - The Committee will review the Fiscal Year 2016 budget request for programs under its jurisdiction, including the Bureau of Land Management (BLM), the National Park Service (NPS), the U.S. Forest Service (USFS), and the U.S. Fish and Wildlife Service (FWS.)

Strengthening the Core National Park Service Functions of Stewardship, Visitor Experience and Maintenance of Park Facilities – The Committee 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 Committee will conduct oversight on ways to reduce the substantial and growing maintenance backlog (estimated at over \$11 billion for FY 2013) and enhance public enjoyment of the parks.

Wilderness Designations and Releases – The Committee 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 Committee will conduct oversight hearings on forest health, wildfire prevention and suppression, and the need for more active management of our national forests.

County Payments and School Funding – Following examples of states, tribes, and local communities, the Committee will pursue changes to management 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 Bureau of Land Management Land – The Committee will conduct oversight on ways to ensure that traditional uses, such as grazing, are permitted in an efficient and fair manner and address the substantial maintenance backlog.

Strengthening the Role Our Vast System of Bureau of Land Management 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 Committee 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.

U.S. Fish and Wildlife Refuge Oversight - According to FWS, the backlog for their 560 refuges now exceeds \$3.4 billion and there are more than 12,000 deferred projects. Committee 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.

Wildlife

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. The Committee intends to examine ways to effectively address the problems caused by non-native species.

Lacey Act - The Committee 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 recent years, the Committee 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.

Sikes Act – The Department of Defense controls nearly 30 million acres of fish and wildlife habitat at nearly 400 military installations. The Committee 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.

Convention on International Trade in Endangered Species - The Committee will continue its oversight role in monitoring the Administration’s implementation of proposals adopted by the Convention at the 16th Conference of the Parties.

Energy and Minerals

Expanding Domestic Energy Production – The Committee will focus on the importance of increasing American-made energy in order to create more new high-paying jobs, increase our economic competitiveness, and to improve national security. 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.

Outer Continental Shelf (OCS) Oil and Natural Gas - The Committee has jurisdiction over the administration of the Outer Continental Shelf Lands Act (OCSLA) and will work to ensure safe and responsible production of America’s offshore oil and natural gas resources. The Committee will build upon oversight and legislative efforts to reform the Offshore Planning Process, direct specific offshore lease sales, codify the reorganization of the former MMS, provide fair and equitable revenue sharing for all coastal states, and promote new safety efforts.

Coastal Zone Management Act (CZMA) – The committee will examine and conduct oversight of the Coastal Zone Management Act and its implementation and impacts on OCS oil and gas exploration and development.

Onshore Oil and Natural Gas Programs – In the 114th Congress the Committee 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 114th Congress, the Committee will conduct oversight over current solar, geothermal, and wind programs operated by the Bureau of Ocean and Energy Management (BOEM), BLM, and the USFS. The Committee will examine ways to streamline the leasing and permitting of these renewable and alternative energy forms.

National Mineral Security Strategy –The Committee 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 Committee 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. The Committee will focus on this issue through both legislative relief and aggressive oversight.

United States Geological Survey – The Committee for several years has had growing concern over the path and programs operated by the United States Geological Survey (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 Committee 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 in previous congresses, witnesses were clear that multiple Administrations have had this problem with little control, central oversight or effective management. The Committee 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 Committee intends to conduct oversight of federal agencies and how they track and monitor their land management responsibilities and purposes.

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 Committee 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 Committee will continue budget oversight of the four Power Marketing Administrations that sell hydropower generated at federal dams and reservoirs to wholesale customers that serve millions of retail electricity customers.

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 Committee 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 Committee 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 Committee 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 Committee 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 Committee intends to examine these matters as it relates to electricity reliability and catastrophic forest fire prevention.

Oceans

Budget and Spending Review - The Committee will conduct oversight of the budgets of the National Marine Fisheries Service and certain “wet” programs of National Oceanic and Atmospheric Administration (NOAA), within the Department of Commerce. In addition, the Committee will examine the impact of NOAA’s changing priorities on fishery dependent communities.

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 109th Congress and a number of issues related to the reauthorization were examined by the Committee in the 113th Congress, when a bill was reported by the committee. The Committee will continue this work to reauthorize the Act in the 114th Congress.

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 Committee 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.

Indian and Alaska Native Affairs

Budget and Spending Review - The Committee 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 Committee 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 Committee 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 Committee 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 21st 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 114th Congress, the Committee will review the Department's actions to assist Members determine an appropriate course of action to update fee-to-trust policy.

Alaska Natives - The Committee 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 Committee 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 Committee 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 Committee plans to review the implementation and impact of provisions of the Tribal Law and Order Act and the tribal jurisdiction provisions included in the Violence Against Women reauthorization that fall under the jurisdiction of the Committee. In addition, the Committee 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 114th Congress the Committee intends to 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 1960s 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 Committee may conduct a thorough overview of recognizing new tribes and may focus on a controversial proposed rule by the Department to lower the standards for the recognition of new tribes.

Indian Gaming - According to the National Indian Gaming Commission, in 2013 the Indian gaming industry generated \$28 billion in revenues from 449 casinos operated by more than 200 tribes pursuant to the Indian Gaming Regulatory Act of 1988. 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 Committee in the 114th 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.

Tribal Trust Settlements - The Committee 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. As of October 2014, lawsuits filed by 82 tribes have been settled with this Administration for \$2.74 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.

Tribal Sovereign Immunity: In May 2014, a sharply divided Supreme Court in *Michigan v. Bay Mills Indian Community* upheld a judge-created doctrine that tribes possess absolute immunity from civil lawsuit except with respect to a lawsuit filed by the federal government. The Committee may focus on the implications of the controversial ruling.

Insular Issues

Budget and Spending Review - The Committee will conduct oversight of the budget of the Office of Insular Affairs, within the Department of the Interior.

General Oversight of the Office of Insular Affairs - The Committee 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 – The results of plebiscite vote over the past few years and what it means in terms of Puerto Rico’s future political status will be examined.

Endangered Species Act (ESA)

Following House passage in 2014 of Committee-led legislation, the Committee will continue to examine ways to update and improve the ESA, which has not been authorized since 1988. The Committee will also continue to examine the impacts of litigation-settlement driven listings, critical habitat designations, and other executive branch regulations to ensure transparency, sound science and state, local, landowner, and tribal involvement.

The National Environmental Policy Act (NEPA)

Oversight of Implementation and Effectiveness - The Committee will conduct oversight on the implementation of the law and on NEPA's effectiveness in achieving the purposes for which it was enacted more than 45 years ago in 1969.

Federal Budget and Spending Review

The Committee's jurisdiction covers the Department of the Interior, the Council on Environmental Quality, the Indian Health Service, and certain programs of the National Oceanic and Atmospheric Administration, and the U.S. Forest Service. The Committee will examine each of these agencies for opportunities to streamline, reduce costs, and either close or consolidate outdated programs. The committee 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 agency decisions. The Committee will also look at the growing number of executive branch regulations, executive orders, and other actions from those agencies that are adversely impacting private property owners, local governments, tribes, states, and private industry.

Global Climate Change

The Committee will conduct oversight of global climate change's impacts on federal lands, oceans, and other resources and strategies for using federal lands, oceans, and other resources to mitigate its harmful effects.