

**COMMITTEE ON NATURAL RESOURCES**

# **Authorization and Oversight Plan**

**115<sup>th</sup> Congress**



**Chairman Rob Bishop**

**February 7, 2017**

## **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 114<sup>th</sup> Congress, the Committee on Natural Resources conducted thoughtful oversight on a number of specific issues and policies administered by the U.S. Department of the Interior and other agencies under the Committee's jurisdiction – seeking answers to how and why policy decisions are made, who made the decision, and how it affects people, our economy and the environment.

In the 114<sup>th</sup> Congress, the Committee pursued aggressive oversight of the Executive Branch and formed a new subcommittee entirely dedicated to oversight and investigation of each federal agency within its jurisdiction. For the 115<sup>th</sup> Congress, through oversight hearings and investigations, the Committee and its subcommittees will continue to 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. Furthermore, the Committee will work with federal oversight entities to identify and address instances of waste, fraud, abuse, and mismanagement in the federal government to ensure the most efficient use of taxpayer dollars.

Moreover, in the 115<sup>th</sup> Congress, the Committee will review and assess the authorizations of both agencies and programs within its jurisdiction and carefully consider whether programs with lapsed authorizations should be reauthorized, updated, or terminated.

This authorization and 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 115<sup>th</sup> Congress.

## Federal Lands

The Committee will focus on four primary objectives for federal land management in the 115<sup>th</sup> Congress: restoring access to public lands; promoting sound management of public lands; making the Federal Government a good neighbor to local communities; and creating new jobs in rural communities

Budget and Spending Review - The Committee will review the Fiscal Year 2018 and 2019 budget requests 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). Furthermore, to enable these agencies to operate more efficiently and effectively, the Committee will review agency programs with lapsed authorizations and determine whether such programs should be reauthorized, updated, or terminated.

Local Input in Federal Lands Decision-Making - The Committee will explore ways for locally elected officials to have more input into federal land management decisions in their communities.

National Park Management - The Committee will explore new and innovative ways to reduce the substantial and growing maintenance backlog (estimated at over \$12 billion for FY 2017) and enhance public enjoyment of the parks. In order to innovate and modernize the management of National Parks, the Committee will examine expired programs under NPS to determine if such programs should be reauthorized, updated, or terminated.

National Park Service Sexual Harassment - The Committee will continue to examine allegations of sexual harassment occurring within the NPS, and NPS's failure to take appropriate disciplinary action. In recent years, the Committee and the Department of the Interior Inspector General have uncovered numerous cases of sexual harassment occurring within the NPS, including at some of the nation's most well-known parks.

Cultural and Historic Resources Management - The Committee will continue to conduct oversight of the National Park Service's compliance with various federal statutes, such as the National Historic Preservation Act, and accountability for officials who fail to adhere to federal laws.

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. The Committee will focus on western forests, particularly in California, where recent USFS reports estimate a total loss of more than 100 million trees.

Recreation Enhancement - The committee will conduct oversight on ways to strengthen public access to public lands for a wide range of family recreational and sporting activities, and ensure that fees for use of developed sites are not excessive.

Multiple Use and Sustained Yield for the Bureau of Land Management and the Forest Service - The Committee will conduct oversight on ways to ensure the BLM and USFS follow their multiple use and sustained yield mandate.

Economic Growth, National Security, and Sound Conservation on Bureau of Land Management and Forest Service Lands - The Committee will conduct oversight on ways to ensure our federal lands provide secure domestic sources of energy, food, fiber, minerals, and jobs while protecting the environment.

U.S. Fish and Wildlife Refuge Oversight - According to FWS, the backlog for their 560 refuges now exceeds \$3.4 billion with 12,000 deferred projects left outstanding. The Committee will resume its oversight of this growing backlog.

## **Wildlife**

**Invasive Species** - Thousands of acres of public land in the United States are adversely impacted by invasive species. The Committee intends to examine ways to effectively address this problem.

**Lacey Act** - The Committee will conduct 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.

In addition, the Committee will continue to examine how Lacey Act restrictions can impact interstate water supply issues.

**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 17<sup>th</sup> Conference of the Parties.

**Voluntary Compensatory Mitigation** - The Committee will continue to conduct oversight of the FWS’ use of voluntary payments by energy developers to mitigate impacts on migratory bird habitats.

## **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 through energy independence. In June 2016, the Department of the Interior released a jobs report that showed that 1.8 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 Obama Administration’s 2016 ban on offshore acreage in the Arctic and the Atlantic prohibits drilling in over 100 million acres of federally owned Arctic waters, despite the extensive resources in the OCS and the industry jobs at stake. This is one of many critical considerations moving into the 115<sup>th</sup> Congress. 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 Minerals Management Service (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. Furthermore, the Committee will review coastal zone management programs with expired authorizations and determine if such programs need to be reauthorized, updated, or terminated.

Onshore Oil and Natural Gas Programs - In the 115<sup>th</sup> 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 the Arctic National Wildlife Refuge (ANWR). This Congress will include additional oversight on Alaskan oil and natural gas development by reviewing NPRA administrative reforms and an in-depth review of the previous Administration's regulation of hydraulic fracturing. Moreover, the Committee will examine federal oil and gas leasing programs with lapsed authorizations to determine if such programs should be reauthorized, updated, or terminated. The United States is the world's leading producer of petroleum and natural gas, and a new look at regulations could ease access to gas and oil reserves throughout the country.

Renewable and Alternative Energy - In the 115<sup>th</sup> Congress, the Committee will conduct oversight over current solar, geothermal, and wind programs operated by the Bureau of Ocean and Energy Management (BOEM), the BLM, and the USFS. The Committee will examine ways to streamline the leasing and permitting of these renewable and alternative energy forms. The Committee will also review lapsed programs under these agencies to determine if the expired programs should be reauthorized, modified, or terminated.

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

Coal Mining Regulations and Leasing - The previous Administration through the Department of the Interior waged a consistent war on coal. The Committee has conducted and will continue extensive oversight of the job-destroying regulatory changes, such as the Stream Protection Rule, proposed by the Obama Administration to stifle coal mining, production, and use. The Committee will focus on this issue through both legislative relief and aggressive oversight. The subcommittee will begin discussions concerning the reauthorization of the AML fee structure, and the future of a Good Samaritan program to remediate abandoned mine lands.

United States Geological Survey - For several years, the Committee has had growing concerns about the path taken and the 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, USGS data manipulation, mineral and energy programs focused on stopping mineral development not promoting it, and the current state of mapping programs. The Committee intends to closely examine the 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. Moreover, the Committee will review expired programs under the Department to determine if such programs need to be reauthorized, updated, or terminated.

Federal Mapping Programs - The federal government has spent 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. Going forward with the new Administration, the Committee intends to reexamine this issue and may consider legislation to simplify the Department's geospatial programs for greater efficiency. Furthermore, 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 requests and ongoing spending. The goal of this 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. Furthermore, the Committee will review agency programs with lapsed authorizations, to determine if such programs need to be reauthorized, updated, or terminated.

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 with a particular focus on rate and budget transparency.

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. 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. The Committee will focus on the implementation of Public Law 114-322 as part of these oversight efforts. In addition, the Committee will review and examine water supply programs with lapsed authorizations to assess if such programs need to be reauthorized, updated, or terminated.

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 will continue examining 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, programs under NOAA that have lapsed authorizations will need to be examined to determine if such programs ought to be reauthorized, updated, or terminated.

Magnuson-Stevens Fishery Conservation and Management Act Reauthorization - The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (P.L. 109-479) is the primary statute regulating commercial and recreational fishing in federal waters. The Act was last reauthorized in the 109<sup>th</sup> Congress and a number of issues related to the reauthorization were examined by the Committee in the 114<sup>th</sup> Congress. In the 115<sup>th</sup> Congress, the Committee will look closely at the Act and how the Executive branch has implemented its authorities. Furthermore, the Committee will review programs with expired authorizations under the statute to determine if such programs should be reauthorized, updated, or terminated.

National Ocean Council and Ocean Zoning - Through an Executive Order, the previous Administration 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 continue to examine the authority used to create this entity and initiative, what sources of funding it has used, and what effect any new policy initiatives from the NOC will have on other departments and agencies.

Ensuring Access - The Committee focused extensively on legislative and oversight efforts aimed at ensuring fishing access to our oceans’ resources in the 114<sup>th</sup> Congress. With the recent expansion and designation of marine national monuments, the Committee will focus on the impacts of such Executive branch declarations have on access as well as other actions that have hindered commercial and recreational fishing in federal waters.

## **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 (BIA), the Indian Health Service (IHS), Office of the Special Trustee for American Indians, and other Departments, offices and functions relating to Indian and Alaska Native affairs. Furthermore, the Committee will review agency programs with expired authorizations, to determine if such programs need to be reauthorized, updated, or terminated.

**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 promulgated a rule to regulate hydraulic fracturing on federal lands. The Department, through the rule, treats land held in trust for Indians as federal land even though under federal law, the beneficial interest in trust land is vested exclusively in the Indian beneficiaries. The Committee will continue to examine how best to remove federal restrictions on Indian lands so that tribes may have greater control over their own affairs. Tribes have and continue to demonstrate that they are better suited to manage their lands and resources.

**Land Buyback** - The Claims Resolution Act of 2010 provided for a one-time direct appropriation of \$1.9 billion to the 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 work with the Administration to ensure the expenditure of funds for this program is used efficiently.

**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. To date, 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 has obstructed potential bipartisan legislative action to reform and improve the process of acquiring lands for Indians in a balanced manner that reflects contemporary land use and ownership among tribal and non-Indian communities in 21<sup>st</sup> century America. In the 115<sup>th</sup> Congress, the Committee will conduct oversight to determine an appropriate course of action on the Department's 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 conduct oversight focusing on the implementation of the Indian Trust Asset Reform Act, continued implementation of the HEARTH Act, and on the Department's recent revision of surface leasing rules affecting Indian trust and restricted lands. Both public laws are intended to give tribes greater control over their own trust assets.

**Indian Country Law and Order** - The Committee plans to review the implementation and impact of the provisions included in the Tribal Law and Order Act, and the tribal jurisdiction provisions included in the Violence Against Women reauthorization. In addition, the Committee will examine federal policies and programs concerning safety, crime prevention, and law enforcement in Indian Country, and determine whether such programs with lapsed authorizations should be reauthorized, updated, or terminated.



Indian Health Care Improvement Act Implementation / Indian Health Service - In the 115<sup>th</sup> Congress the Committee intends to review implementation of the Indian Health Care Improvement Act, 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. Congress has increased Indian health funding almost each year since FY 2010, and it continues to increase. In FY 2014 and FY 2015, Congress exceeded President's budget requests for the agency. Since 2008, funding for the IHS has increased by more than 50 percent. The House's FY 2017 proposed appropriation sits at approximately \$1 billion over FY 2010 levels. Despite these funding increases, reports from the U.S. Government Accountability Office (GAO) continue to reveal that standards for the quality of care in federally operated facilities are absent. Additionally, the dangerous situation in the Great Plains Area and the staffing shortage problem throughout the twelve IHS areas continues to exist if not worsen. To allocate funds more efficiently and modernize Indian Health Policy, the Committee will review Indian Health programs.

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 BIA 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 will continue to conduct a thorough overview of recognizing new tribes and the controversial rule promulgated by the Department to lower the standards for the recognition of new tribes.

Indian Gaming - According to the National Indian Gaming Commission, in FY 2015 the Indian gaming industry generated \$29.9 billion in revenues from 474 casinos operated by 238 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 continued review of recognition and fee-to-trust (including Carcieri) issues described above. In addition, the Committee in the 115<sup>th</sup> Congress may conduct hearings specifically on gaming to ensure that appropriate enforcement and oversight by the National Indian Gaming Commission, Department of the Interior, and Department of Justice is being conducted.

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 were in violation of the government's statutory obligations. As of October 2014, lawsuits filed by 82 tribes have been settled with the last Administration for \$2.74 billion, and dozens more have been settled since. The Committee is interested in ensuring that the settlements are fair and just for tribes and taxpayers.

## **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 such as: 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 Committee shall conduct oversight over the implementation of Pub. L. 114-187, Puerto Rico Oversight, Management and Economic Stability Act (PROMESA), and anticipate reviewing any actions conducted by the Oversight Board established under the act. The Committee will continue to monitor the results of any plebiscites held expressing the preference of the populace as it relates to the relationship status between the territory and the United States.

## **Regulatory Oversight**

**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.

**National Environmental Policy Act (NEPA)** - The Committee will conduct oversight on the implementation and effectiveness 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 IHS, and certain programs of NOAA, and USFS. The Committee will examine each of these agencies for opportunities to streamline, reduce costs, and either close or consolidate outdated programs. In particular, the Committee will focus on 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 review agency programs with lapsed authorizations to assess if such programs need to be reauthorized, updated, or terminated. Furthermore, the Committee will 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 climate change and related policies and programs and the related impacts including impacts on federal lands, oceans, and other resources.

## **Ethics and Transparency at the Department of the Interior**

The Committee will conduct oversight of ethics operations at the Department of the Interior and its agencies and bureaus within the Committee's jurisdiction. The Committee intends to review ethics training, points of contact, rules, and resources in order to facilitate ethical decision-making at all levels. Furthermore, the Committee intends to ensure that ethics operations and agency managers hold federal employees who violate ethics rules and/or the law accountable.