



To: House Committee on Natural Resources Republican Members
From: Natural Resources Committee Republican Staff; Kiel Weaver
(Kiel.Weaver@mail.house.gov) and Aniela Butler (Aniela@mail.house.gov)
Date: June 21, 2021
Subject: Oversight Hearing on “Examining the Department of the Interior’s Spending Priorities and the President’s Fiscal Year Budget 2022 Proposal”

The Natural Resources Committee will hold an oversight hearing titled “Examining the Department of the Interior’s Spending Priorities and the President’s Fiscal Year Budget 2022 Proposal” on **Wednesday, June 23, 2021, at 10:00 a.m. EDT** in the committee hearing room, located in room 1324 of the Longworth House Office Building, and online via Cisco WebEx.

Republican members are strongly encouraged to participate in person from the hearing room. Member offices are requested to **notify Chandler Guy no later than Tuesday, June 22, at 4:30 p.m. EDT**, if their Member intends to participate in person in the hearing room or remotely from his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee’s electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (EverettWinnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Natural Resources Republicans are focused on promoting access, conservation, innovation, and transparency. The Biden Administration’s budget, released months behind schedule and at a time when they hoped nobody would pay attention, falls short on all of these goals and fails to deliver real economic or environmental benefits for the American people.
- Severe drought, catastrophic wildfires, crumbling infrastructure, the border crisis, and rising energy and mineral competition from hostile foreign nations are all pressing challenges facing the Department of the Interior (DOI). Instead of developing a comprehensive strategy to tackle any of these issues, the budget relies heavily on woke catchphrases and throwing money at the problem with no actual long-term solutions.
- Committee Democrats are holding our first in person hearing nearly 6 months into this Congress. Many in the Administration are still working remotely, despite having access to vaccines and revised guidance from the Centers for Disease Control and Prevention



(CDC) bringing many Americans back to work. It's far past time for Committee Democrats and the Biden Administration to return to work for the American people, like Congressional Republicans have been doing for months.

II. WITNESSES

- **The Honorable Deb Haaland**, Secretary, Department of the Interior

III. BACKGROUND

Budget Top-Line

Budgets “[reflect] one’s deepest held values and priorities.”¹ In the words of President Joe Biden himself, “Don’t tell me what you value. Show me your budget, and I’ll tell you what you value.”² If this is truly the case, it’s deeply concerning that the Biden Administration told America what its values were more than three months behind schedule and on the Friday before Memorial Day weekend. The lack of urgency to produce an actual budget is particularly concerning as we recover from the COVID-19 pandemic and economic crisis. According to the Congressional Budget Office, our federal deficit was \$3.1 trillion in fiscal year (FY) 2020, or roughly 15 percent of our gross domestic product.³ These are unprecedented levels of debt and the Administration’s budget includes no serious plan to correct our nation’s fiscal course or actually strengthen our economy.

DOI’s (FY) 2022 budget requests \$27.4 billion in discretionary and mandatory funding, an increase of \$585 million (2.2 percent) over FY 2021 enacted levels. Specific agency breakdowns are below (note: only main accounts are included; for a full breakdown please contact Committee staff).

Agency	FY 2020 Actual	FY 2021 Enacted	FY 2022 Request	Change
Bureau of Land Management (BLM)	\$1.72 billion	\$1.62 billion	\$1.96 billion	\$335.7 million
Bureau of Ocean Energy Management (BOEM)	\$146.5 million	\$127.8 million	\$169.7 million	\$41.9 million
Bureau of Safety and Environmental Enforcement (BSEE)	\$149.7 million	\$125.1 million	\$181.2 million	\$56.1 million
Office of Surface Mining Reclamation and Enforcement (OSMRE)	\$2.37 billion	\$1.11 billion	\$1.18 billion	\$68.1 million

¹ Natural Resources Committee Democrats, 117th Congress Views and Estimates, Fiscal Year 2022.

² Biden, Joe, “Biden’s Remarks on McCain’s Policies,” The New York Times, 9/15/08, <https://www.nytimes.com/2008/09/15/us/politics/15text-biden.html>.

³ Congressional Budget Office, “The Federal Budget in Fiscal Year 2020: An Infographic,” April 30, 2021, <https://www.cbo.gov/publication/57170>.

U.S. Geological Survey (USGS)	\$1.27 billion	\$1.32 billion	\$1.64 billion	\$326.9 million
U.S. Fish and Wildlife Service (FWS)	\$2.95 billion	\$3.23 billion	\$3.55 billion	\$327.5 million
National Park Service (NPS)	\$3.94 billion	\$4.15 billion	\$4.6 billion	\$455.7 million
Bureau of Indian Affairs (BIA)	\$2.73 billion	\$3.15 billion	\$2.85 billion	-\$303.2 million
Bureau of Indian Education (BIE)	\$1.37 billion	\$2.5 billion	\$1.35 billion	-\$1.15 billion
Bureau of Trust Funds Administration (BTFA)	\$640.7 million	\$594.4 million	\$601.7 million	\$7.3 million
Bureau of Reclamation (BOR)	\$2.12 billion	\$1.9 billion	\$1.78 billion	-128.9 million

This briefing paper focuses on the FY 2022 proposed budget within the context of four main Republican policy promotion themes: 1) Access to our natural resources; 2) Conservation of our natural resources; 3) Innovation; and 4) Transparency in government.

Access to Our Natural Resources

Biden Oil, Gas, and Coal Leasing Ban – Executive Order (EO) 14008 placed a moratorium on new onshore oil and gas leasing pending a review of the program and indicated that the Administration plans to halt the coal leasing program altogether due to market conditions. The energy access-hindering EO also directed the Secretary to pause all new leasing activities on the outer continental shelf (OCS) pending a review of the oil and gas leasing program. On June 15, 2021, Judge Terry Doughty of the U.S. District Court for the Western District of Louisiana issued a nationwide preliminary injunction on the leasing ban.⁴ DOI issued statements indicating the Secretary would comply with the decision but would continue the comprehensive review of the oil and gas leasing program.⁵ While the June 15th preliminary injunction applies to the oil and gas leasing program, the Administration will likely continue its ban on coal leasing.

The budget requests \$62.3 million for existing conventional energy leasing, exploration and permitting on the OCS, and \$15 million for the Marine Minerals program. The budget also includes a \$30.9 million increase for the ongoing onshore Oil and Gas Program, which includes \$8.6 million to plug abandoned wells on federal land and \$18 million to address Alaskan legacy wells.

30x30 Initiative – The Biden Budget supports the 30x30 Initiative, which the Administration now calls “The America the Beautiful Initiative,” likely in recognition that there are already 39 percent of lands protected through a combination of federal, state,

⁴ Mem. Ruling, *Louisiana v. Biden*, No. 2:21-cv-00778, ECF No. 139 (Dist. Ct. West. Dist. Lake Charles Div., LA, June 15, 2021); see https://www.eenews.net/assets/2021/06/16/document_ew_01.pdf.

⁵ Farah, Niina H. and Richards, Heather. Federal judge overturns oil leasing freeze in blow to Biden. E&E News. June 16, 2021. <https://www.eenews.net/stories/1063735105>

local, and private ownership.⁶ Earlier this year, DOI and other federal departments released an “interim” report titled “Conserving and Restoring America the Beautiful,” which outlined a 10-year campaign to conserve 30 percent of U.S. lands and waters by 2030.⁷ The report and subsequent briefings failed to establish a baseline of what is already conserved, what lands and waters will count towards conservation goals, and concrete steps the Administration plans to take to achieve this goal.

The report was notable in that it drew a clear distinction between conservation and preservation, stating:

*“[T]he President’s challenge specifically emphasizes the notion of ‘conservation’ of the nation’s natural resources (rather than the related but different concept of ‘protection’ or ‘preservation’) recognizing that many uses of our lands and waters, including of working lands, can be consistent with the long-term health and sustainability of natural systems.”*⁸

Despite this commitment to conservation, the Administration has already used the 30x30 Initiative to endorse preservationist legislation like H.R. 803, the Protecting America’s Wilderness and Public Lands Act.⁹ Recent reports that Secretary Haaland recommended the Grand Staircase-Escalante and Bears Ears National Monuments in Utah and Northeast Canyons and Seamounts Marine National Monument in the Atlantic Ocean be enlarged and their uses restricted suggest the Administration is continuing to pursue preservationist goals despite the clear delineation outlined in the America the Beautiful report.¹⁰ Such preservationist policies will decrease multiple-use access to our federal lands and waters.

Great American Outdoors Act (GAOA) – Last year, Congress passed the GAOA to address the roughly \$18 million deferred maintenance backlog at DOI and the nearly \$12 billion backlog at our National Parks, in particular. National Parks are currently experiencing unprecedented visitation levels, with many parks having to shut down access as early as 9 a.m. when gates open.¹¹ Despite the obvious need to improve access and recreational assets, NPS proposed to fund only 7 projects using GAOA money, just over one-tenth of the overall spending proposed.¹² Instead of prioritizing important projects that have a direct impact on visitor services, the budget prioritizes larger transportation projects like rehabilitating the Natchez Trace Parkway (\$106 million) and parkways in Virginia (\$162 million). In total, water, utilities, and transportation projects make up nearly half of all of

⁶ Data provided by the Congressional Research Service to the House Natural Resources Committee.

⁷ 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>.

⁸ Id. at 10

⁹ Executive Office of the President, Office of Management & Budget, Statement Of Administration Policy, H.R. 803 Protecting America’s Wilderness And Public Lands Act, February 23, 2021. https://www.whitehouse.gov/wp-content/uploads/2021/02/SAP_HR-803.pdf.

¹⁰ Eilperin, Juliet and Partlow, Joshua, “Haaland urges Biden to fully protect three national monuments weakened by Donald Trump,” Washington Post, 6/14/21, <https://www.washingtonpost.com/climate-environment/2021/06/14/haaland-biden-national-monuments/>.

¹¹ Pohle, Allison, “National Parks Are Overcrowded and Closing Their Gates,” Wall Street Journal, 6/13/21, <https://www.wsj.com/articles/national-parks-are-overcrowded-and-closing-their-gates-11623582002>.

¹² Information provided to Committee staff during a briefing on GAOA Implementation by the Department of the Interior.

the proposed spending for the National Parks and Public Lands Legacy Restoration Fund (NPPLRF) authorized under GAOA.¹³ The direction of the majority of funds to only a few select projects raises concerns that many states will not receive a fair share of the funding available under the NPPLRF.

The budget also provides \$900 million in mandatory funding for the Land and Water Conservation Fund (LWCF), in compliance with provisions enacted as part of the GAOA. This includes \$405 million (45 percent) for federal land acquisition, \$360 million (40 percent) for state and local grants, and \$135 million (15 percent) for other programs like the American Battlefield Protection Program and Cooperative Endangered Species Fund.¹⁴ Consistent with the GAOA, DOI included a list of individual projects for proposed funding along with its budget request.¹⁵ In total, the Administration is proposing to acquire 186,318 acres of land, primarily for NPS (131,572 acres).

Managing Our Lands for Conservation – As proudly highlighted by the BLM’s budget request, the agency manages 37 million acres of lands with restrictive designations including 28 national monuments and 751 wilderness and wilderness study areas. The budget includes a paltry \$1.8 million increase for Wilderness Management for a total of \$24 million for “weed treatments, native plant restorations, and fuels projects in wilderness and wilderness study areas.”¹⁶ This is a dismal number considering nearly 7 million acres of wilderness land have burned in the past 10 years and the “let it burn” policy of wildland fire management in wilderness areas often means that these fires spread to surrounding federal, state, tribal, and private lands.¹⁷ Committee Republicans support multiple use on our public lands and making sure we are stewarding our resources properly. This includes incentivizing grazing on our public lands and ensuring rangeland health by properly managing wild horses and burros. In support of this effort, the budget includes a \$35 million increase for the Administration’s Wild Horse and Burro Program. However, there is no clear plan on how the agency will address the overpopulation of wild horses and burros, which is currently triple the sustainable population level.¹⁸ The budget notes the Administration is also “actively reviewing the 2019 reorganization of BLM.”¹⁹ President Trump relocated the BLM headquarters to Grand Junction, Colorado, during his Administration to ensure that decision makers were close to the people most impacted by agency decisions.

¹³ Id.

¹⁴ DOI, “FY 2022 Interior Budget in Brief, Appendix E, Land and Water Conservation Fund—Permanent Funding,” <https://www.doi.gov/sites/doi.gov/files/fy2022-bib-e0001.pdf>.

¹⁵ DOI, FY 2022 Interior Budget in Brief, Appendix F, Land and Water Conservation Fund—Project List, <https://www.doi.gov/sites/doi.gov/files/fy2022-bib-f0001.pdf>.

¹⁶ DOI, “FY 2022 Interior Budget in Brief, Bureau of Land Management,” <https://www.doi.gov/sites/doi.gov/files/fy2022-bib-bh007.pdf>.

¹⁷ Data provided by DOI/FS to the Natural Resources Committee.

¹⁸ BLM, “THE BUREAU OF LAND MANAGEMENT POSTS SIGNIFICANT ACCOMPLISHMENTS FOR WILD HORSE AND BURRO MANAGEMENT IN FISCAL YEAR 2020,” <https://www.blm.gov/press-release/bureau-land-management-posts-significant-accomplishments-wild-horse-and-burro>.

¹⁹ Id. Budget in Brief.

Conservation of Our Natural Resources

Drought and Water Infrastructure — Throughout the West, drought continues to severely limit water supplies. On April 21, 2021, the Administration announced the creation of an Interagency Working Group on drought. However, no information has been provided on the status of this working group despite numerous Republican and stakeholder requests to provide such information. From the President's American Jobs Plan, the Administration intends to prioritize “funding for the western drought crisis by investing in water efficiency and recycling programs, Tribal water settlements, and dam safety.”²⁰ Notably missing are investments in water storage.

Water allocations from some Bureau of Reclamation projects are at historic lows, including the Klamath Project (Oregon, California), the Central Valley Project (California), and projects along the 7 state Colorado River basin. This growing crisis has created an urgent need to minimize the impacts of the drought and develop a long-term plan to ensure water is available for future use. The decrease in snowpack and earlier spring runoff make water storage investments critical in ensuring resilience in our water supply and delivery system. The Biden budget instead has focused on increases in the WaterSMART program, which is aimed at conserving existing water supplies as opposed to creating new multiple use water resources projects for future use. The budget request also does not recommend the reauthorization of the expiring Subtitle J of the Water Infrastructure Improvements for the Nation (WIIN) Act, which successfully funded water storage, water recycling and desalination projects throughout the West during the last Administration.²¹

Wildland Fire Funding – Approximately 10.1 million acres burned last year during another historic wildfire season, with roughly 20 percent being DOI lands.²² The Department has an important role to play in mitigating and responding to wildfires and must proactively treat their lands to avoid another devastating wildfire season. Given current drought conditions in the West, it is imperative DOI act proactively to address this issue. One of the centerpieces of the American Jobs Plan is \$50 billion for climate resilience, a vague laundry list of concepts that includes “additional investments in Federal and Tribal hazardous fuels management.”²³ Despite being one of only three concrete examples highlighted by DOI on what climate resilience means, the budget largely maintains status quo wildfire spending by requesting \$1.1 billion, compared to \$1.0 billion in FY 2020. Specifically, the budget includes \$65 million to “increase capacity for fuels management,” which will help treat an additional 360,000 acres annually or 1.7 million acres total.²⁴ Last year, DOI completed treatments on 1.5 million acres of land, bringing the total amount of acres treated during President Donald Trump’s Administration for DOI to 5.4 million acres, a 49 percent increase compared to President Barack Obama’s second term.²⁵

²⁰ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>

²¹ P.L. 114-322.

²² Hoover, Katie and Hanson, Laura, “Wildfire Statistics,” CRS, 5/4/21, IF10244.

²³ DOI, FY 2022 Budget – Legislative Proposals, <https://www.doi.gov/sites/doi.gov/files/fy2022-bib-dh31.pdf>.

²⁴ DOI, Budget Justification Wildland Fire Management FY2022, <https://www.doi.gov/sites/doi.gov/files/fy2022-owf-budget-justification.pdf>.

²⁵ DOI, “Trump Administration Reduces Wildfire Risk Across Record 5.4 Million Acres,” 11/18/2020, <https://www.doi.gov/pressreleases/trump-administration-reduces-wildfire-risk-across-record-54-million-acres>.

Greater Sage Grouse – The budget request proposes that Congress not include longstanding language prohibiting DOI from listing the Greater Sage Grouse in an appropriations bill. Listing the sage grouse under the Endangered Species Act could have devastating impacts for states and local economies and jeopardize proactive conservation efforts that are already underway. Additionally, in April 2021, the U.S. Department of Agriculture seemingly contradicted this position when it unveiled two new strategies²⁶ to improve wildlife conservation on rangelands with the stated goal of keeping the Sage Grouse off of the endangered species list²⁷ and fighting the spread of cheatgrass, red cedar and pinyon juniper trees. Recent science has also concluded that Sage Grouse populations grow faster in areas where trees like conifers are removed.²⁸ Despite this, the budget does not provide any tools to expedite this work to help save the species.

Indian Water Rights Settlements – While the Committee has not been provided legislative language by the Department, DOI has made several references in staff-level budget briefings to its support for language that would “reclassify funding [for Indian water rights settlements] from discretionary to mandatory, starting in 2023.”²⁹ Currently, most Indian water right settlements are funded through the appropriations process. In addition, certain settlements are eligible to receive funding from the Reclamation Water Settlements Fund, which receives \$120 million per year of revenues (mostly from oil and gas royalties) that would otherwise be deposited in the Reclamation Fund. The Biden oil and gas leasing ban mentioned above would reduce funds going into this account.

Innovation

Critical Minerals – The DOI budget request supports *locating* critical minerals, even if the budget does not support *actually mining* those minerals. \$86.2 million is directed toward the Mineral Resources Program, a net increase of \$26.4 million from the previous year. The Mineral Resources Program conducts supply chain research for critical minerals needed for renewable energy technologies, mine waste research, analyses of mineral recovery from reclamation, and assessments of potential new sources of critical minerals. \$53.7 million is also included for the Energy Resources Program, which provides publicly available estimates of the nation’s energy resources and analyzes the potential of technically recoverable geological reserves in the U.S.³⁰

Unsurprisingly, the Biden budget includes a large emphasis on renewable energy. The BLM Energy and Minerals Management account includes a \$14.7 million increase for onshore renewable energy development. The budget also supports the Administration’s goal of deploying 30 gigawatts of offshore wind capacity by 2030. As part of this initiative,

²⁶ Western Working Lands for Wildlife Frameworks, *Frameworks for Conservation Action in the Sagebrush and Great Plains Biomes*, USDA-NRCS, Working Lands for Wildlife, April 8, 2021, <https://wlfw.rangelands.app/>.

²⁷ Natural Resources Conservation Service, Working Lands for Wildlife, *Sagebrush Biome*, 2021, p.5, <https://wlfw.rangelands.app/assets/sagebrushFramework.pdf>.

²⁸ Ecosphere, *Reversing tree expansion in sagebrush steppe yields population-level benefit for imperiled grouse*, Andrew C. Olsen, June 9, 2021, <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/ecs2.3551>.

²⁹ The Fiscal Year 2022 Budget Request, Department of the Interior, June 10, 2021 PowerPoint.

³⁰ Fiscal Year 2022 United States Geological Survey Budget Justification, June 2021. <https://www.doi.gov/sites/doi.gov/files/fy2022-usgs-budget-justification.pdf>

BOEM overseas 17 active offshore wind leases and plans to hold 2 offshore wind lease sales in FY 2022, with one in the New York Bight and the other off the coast of California. Of course, these renewable resources all depend on critical minerals, which Committee Republicans believe should be sourced domestically to avoid reliance on hostile foreign nations that use questionable labor standards.

Plugging Orphan Wells, Decommissioning Offshore Pipelines, and Abandoned Mine Reclamation – Although innovative ideas in the Biden Budget are few and far between, the budget does include bipartisan initiatives to reclaim abandoned mine lands, plug orphan wells, and decommission offshore pipelines. The budget also includes a net increase of \$62.9 million to the discretionary Abandoned Mine Reclamation Fund, including an expansion of the Abandoned Mine Land Economic Revitalization grant program by \$50 million for grants to Appalachian states for abandoned coal mine reclamation and related economic development activities. On the mandatory side, the budget includes \$879 million for reclamation grants to states and tribes, as well as for United Mine Workers of America (UMWA) health benefits and the 1974 UMWA Pension Plan. This mandatory amount was changed in 2019 by the Bipartisan American Miners Act to increase the annual limit on Treasury funds available for transfer from \$490 million to \$750 million. For offshore energy, BSEE’s request includes \$30 million in new funding to address orphaned wells and decommission pipelines on the OCS. As part of the budget proposal, the BLM budget request includes \$8.6 million to plug abandoned wells on federal land and \$18 million to address Alaskan legacy wells.

Tribal and Insular Energy – The BIA budget includes large increases for the Minerals and Mining Projects program specifically for clean energy programs, instead of supporting tribal self-determination through an all-of-the-above energy approach. The budget forces roughly one third of the Trust Natural Resources line item for job placement and training be used for “training programs focused on clean energy,” once again violating self-determination by limiting support for tribes unless they deploy clean energy technologies. The budget also restores funding to the Tribal Climate Resilience Program, which primarily supports only climate adaptation activity planning and does nothing to promote or provide tools tribes may use to address environmental changes in their communities.³¹

The budget justification for the Office of Insular Affairs picks winners and losers in the energy sector by promoting more taxpayer money for renewable energy. The budget includes more than \$10 million for the Energizing Insular Communities Program, of which \$7 million will be solely for “renewable energy and grid infrastructure.”³² Some Committee Republicans believe this program should be expanded to include all forms of electricity, ultimately supporting Insular Area self-determination and an all-of-the-above energy strategy. 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.

³¹ Bureau of Indian Affairs FY 2016 budget justification at IA-ES-21.

<https://www.bia.gov/sites/bia.gov/files/assets/as-ia/ocfo/ocfo/pdf/FY2016Greenbookidc1-031356.pdf>

³² FY 2022 Office of Insular Affairs Budget Justification at 51. <https://www.doi.gov/sites/doi.gov/files/fy2022-oia-budget-justification.pdf>

Additionally, there is no mention of addressing energy security and reliability from baseload sources for Insular Areas that suffer from frequent outages.

Civilian Climate Corps and Other Climate Proposals – The budget attempts to further the wasteful idea of the Civilian Conservation Corps (CCC) by allocating \$10 billion strictly for the CCC instead of utilizing existing groups and competitively allocating the funding.³³ There is also a proposal for the establishment of a Tribal Civilian Conservation Corps, which may be duplicative with other BIA programs that exist for employment services which were authorized by the Indian Employment, Training, and Related Services Demonstration Act³⁴ and others. The budget also proposes to create a new Advanced Research Projects Agency for Climate (ARPA-C) at the Department of Energy and provides \$60 million to USGS to collaborate with the new agency on climate research. The Department also requested \$73 million to transition its fleet to electric vehicles (yet another technology reliant on critical minerals).³⁵

Payments for Tribal Leases and Tribal Contract Support Costs – The Indian Self-Determination and Education Assistance Act³⁶ provides that tribes and tribal organizations carrying out federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with DOI for the tribally owned or rented facility used to carry out those functions. For FY 2021, Congress appropriated \$21.6 million for these leases.³⁷ The FY 2022 budget proposes to reclassify these payments from discretionary to mandatory spending. The budget also proposes to reclassify contract support costs from discretionary to mandatory beginning in 2023.

Transparency and Miscellaneous

Biden Border Crisis – President Biden’s policies exacerbated a crisis at the Southern Border.³⁸ In May 2021, Customs and Border Protection (CBP) encountered 180,034 people trying to illegally cross the border.³⁹ Ultimately, the Biden Administration is on a trajectory to be responsible for a 20-year high in illegal border crossings by the end of September 2021.⁴⁰ Despite the increasing severity of the Biden Border Crisis, the word “border” appears just three times in the entire 262-page DOI budget document, specifically with a reference to a single \$5 million transfer from the Border Patrol to the Bureau of

³³ DOI, “FY 2022 Interior Budget in Brief, Legislative Proposals,” <https://www.doi.gov/sites/doi.gov/files/fy2022-bib-dh31.pdf>.

³⁴ P.L. 102-477.

³⁵ Fiscal Year 2022 Department of the Interior Departmental Overview, June 2021. <https://www.doi.gov/sites/doi.gov/files/fy2022-bib-dh003.pdf>

³⁶ P.L. 93-638.

³⁷ <https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-G.pdf> at 42.

³⁸ W. James Antle III, *Biden Immigration Policies Causes a Predictable Border Crisis. Why Didn't He Plan for It?*, NBC NEWS (Mar. 14, 2021), <https://www.nbcnews.com/think/opinion/biden-immigration-policies-cause-predictable-border-crisis-why-didn-t-nna1260992>

³⁹ Press Release, U.S. Customs and Border Protection, *CBP Announces May 2021 Operational Update* (June 9, 2021), <https://www.cbp.gov/newsroom/national-media-release/cbp-announces-may-2021-operational-update>.

⁴⁰ Michelle Hackman & Alicia A. Caldwell, *Biden's Immigration Plan for Surge of Migrants at U.S. Southern Border: What You Need to Know*, THE WALL ST. J. (May 12, 2021), <https://www.wsj.com/articles/surge-of-migrants-at-u-s-southern-border-bidens-plan-and-what-you-need-to-know-11616788003>.

Indian Affairs Construction account.⁴¹ In contrast, the word “climate” appears 270 times and the word “justice” appears 47 times (primarily in reference to racial and environmental justice).⁴²

Illegal immigration has known environmental consequences for our federal lands. Illegal border crossers were responsible for the creation of thousands of miles of illegal trails through the Buenos Aires National Wildlife Refuge⁴³ and illegal border crossers also leave trash, like human waste, vehicles, plastic, and medical products, behind.⁴⁴ In fact, the Arizona Department of Environmental Quality estimates that each border crosser leaves “approximately six to eight pounds of trash in the desert during their journey.”⁴⁵ Previous trash clean ups by the BLM have resulted in 1,160 pounds of trash removed by the Gila District Office and 7,515 pounds of trash removed by the Phoenix District Office.⁴⁶

Respect for Congressional Oversight – So far this year, Republican Committee members have sent nine document request letters to DOI, totaling 87 individual requests for documents and information and two briefings. DOI has failed to adequately respond to Congressional inquiries and has ignored every deadline for document production. Staff has followed up with the Congressional Affairs Office at least 15 times in attempts to schedule the production of requested documents. DOI has provided two unsatisfactory official interim responses to the requests for information without providing any of the requested documents. On June 10, 2021, DOI finally provided information to satisfy one of the 87 requests for information. This production, which was related to concerns about DOI Senior Counselor Liz Klein’s conflicts of interest, only occurred after Ms. Klein committed to providing the information during a hearing before this Committee.

In the 116th Congress, then-Representative Haaland questioned then-Solicitor Dan Jorjani over DOI’s document production. When discussing an incomplete production from DOI, she asked, “Is this simply incompetence, do you think, on the part of the Department, or do you think they are purposefully withholding information from us?”⁴⁷ Given DOI’s inability to cooperate with our oversight requests, the same question applies.

Indian Trusts and Land Consolidation – The FY 2022 budget contains a proposal to include the Carcieri “fix.”⁴⁸ In 2009, the Supreme Court held in *Carcieri v. Salazar*⁴⁹ that

⁴¹ DOI, Fiscal Year 2022 – The Interior Budget in Brief, May 2021, <https://www.doi.gov/sites/doi.gov/files/2022-highlights-book.pdf>.

⁴² Id. Budget in Brief.

⁴³ *Enhancing DHS’ Efforts to Disrupt Alien Smuggling Across Our Border: Hearing Before the Subcomm. on Border, Maritime, and Global Counterterrorism of the H. Comm. on Homeland Security*, 111th Cong. (2010) (statement of Janice L. Kephart, Director of National Security Policy, Center for Immigration Studies).

⁴⁴ ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, Arizona Border Trash, <https://www.azbordertrash.gov/about.html>.

⁴⁵ Id.

⁴⁶ Email from Caralee Conklin, Legislative Affairs Specialist, Bureau of Land Management, to H. Comm. on Nat. Res. Minority Staff (June 9, 2021 4:14 p.m.).

⁴⁷ *The Department of the Interior’s Failure to Cooperate with Congressional Oversight Requests: Hearing Before H. Comm. on Natural Resources*, 116th Cong. (2019).

⁴⁸ FY 2022 Budget Appendix. https://www.whitehouse.gov/wp-content/uploads/2021/05/int_fy22.pdf

⁴⁹ *Carcieri v. Salazar*, 555 U.S. 379 (2009).

the Secretary of the Interior may not acquire land for Indians pursuant to the Indian Reorganization Act (IRA)⁵⁰ unless they are members of a tribe that was “under federal jurisdiction” in 1934. While there is support for tribes to have land in trust, there are concerns about how enactment of this provision could lead to more off-reservation casino development.

⁵⁰ Act of June 18, 1934, 48 Stat. 985 (25 U.S.C. 465), amended by P.L. 100-581, 102 Stat. 2941.