

To: House Committee on Natural Resources Republican Members **From:** House Committee on Natural Resources Republican Staff

Date: July 12, 2021

Subject: Markup on 14 Bills: H.R.820 (LaHood), H.R. 972 (Calvert), H.R. 1154

(McEachin), H.R. 1664 (Veasey), H.R. 1908 (Case), H.R. 2278 (Connolly), H.R. 2444 (González-Colón), H.R. 2497 (Neguse), H.R. 2780 (Grijalva), H.R. 2899 (San Nicolas), H.R. 3113 (Moore of Utah), H.R. 3616 (Moore of Utah),

H.R. 3764 (Grijalva), and H.R. 4300 (Miller-Meeks)

The Natural Resources Committee will hold a markup on 14 bills on **Wednesday, July 14th, 2021, at 11:00 a.m. EDT** online via Cisco WebEx. The 14 bills include H.R. 820 (LaHood), H.R. 972 (Calvert), H.R. 1154 (McEachin), H.R. 1664 (Veasey), H.R. 1908 (Case), H.R. 2278 (Connolly), H.R. 2444 (González-Colón), H.R. 2497 (Neguse), H.R. 2780 (Grijalva), H.R. 2899 (San Nicolas), H.R. 3113 (Moore of Utah), H.R. 3616 (Moore of Utah), H.R. 3764 (Grijalva), and H.R. 4300 (Miler-Meeks).

Member offices are requested to notify Chandler Guy (Chandler.Guy@mail.house.gov) by **4:30**p.m. EDT on Monday, July 12th, **2021**, 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

- The Ranking Member expects the following bills to move through regular order: H.R. 2780 (Grijalva), and H.R. 3764 (Grijalva).
 - O H.R. 2780 (Grijalva): The Ranking Member has serious concerns as the bill authorizes \$175 million to establish several new and redundant grant programs related to climate change and picks winners and losers by mandating a renewable energy transition in the U.S. Insular Areas and Freely Associated States. It ignores the proven reliability of other clean energy sources that a territory or Freely Associated State may choose to utilize.
 - o H.R. 3764 (Grijalva): The Ranking Member has serious concerns that this bill will increase energy prices. The legislation bans new offshore oil and gas

leasing (except for the central and western Gulf of Mexico) and will lead to increased federal regulation and red tape on inland infrastructure such as dams, levees and other water-related projects.

• The Unanimous Consent package is expected to include H.R. 820 (LaHood), H.R. 972 (Calvert), H.R. 1154 (McEachin), H.R. 1664 (Veasey), H.R. 1908 (Case), H.R. 2278 (Connolly), H.R. 2444 (González-Colón), H.R. 2497 (Neguse), H.R. 2899 (San Nicolas), H.R. 3113 (Moore of Utah), H.R. 3616 (Moore of Utah), H.R. 4300 (Miller-Meeks).

II. EXPECTED LEGISLATION

H.R. 820 (LaHood), New Philadelphia National Historical Park Act

New Philadelphia, located near Barry, Illinois, is the first known town to be platted and officially registered by an African American in the United States. "Free" Frank McWorter was born into slavery in South Carolina and spent the first 42 years of his life enslaved. After working extremely hard producing and selling saltpeter and working in local mines, Frank purchased freedom for himself, his wife Lucy, and their unborn child. In 1836, Frank purchased 42 acres of land in Pike County, Illinois, which he platted into 144 lots and called New Philadelphia. New Philadelphia was an integrated town where free-born and formerly enslaved African Americans lived alongside European Americans in a region and era of intense racial strife. Today, the town site is covered by farmland and no original buildings of the town or the McWorter home are visible above ground. The New Philadelphia Historical Park Act, offered by Representative LaHood of Illinois, would establish the New Philadelphia town site as a unit of the National Park System. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 820 prepared by Committee Republican staff may be viewed <u>here.</u>

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R 972 (Calvert), Wildlife Refuge Conservation and Recreation for the Community Act

The bill requires the Secretary of the Interior to establish a new national wildlife refuge, the "Western Riverside County National Wildlife Refuge," in order to help meet federal obligations under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Developed in 2004, the MSHCP is a conservation area that provides

¹ Archeology of New Philadelphia (U.S. National Park Service), https://www.nps.gov/articles/archeology-of-new-philadelphia.htm (last visited Apr 13, 2021).

 $^{^{2}}$ Id.

 $^{^3}$ Id.

⁴ *Id*.

⁵ *Id*.

⁶ *Id*.

habitat for 146 species of plants and animals, 33 of which are listed as threatened or endangered under the Endangered Species Act (16 U.S.C. 1531). In general, Habitat Conservation Plans enable communities to build new roads and critical transportation infrastructure by mitigating the impacts to protected species. H.R. 972 directs the Interior Secretary to consolidate the current checkerboard of conservation lands into a National Wildlife Refuge by acquiring "land, water, or interests therein (including conservation easements)" through donation, purchase (using appropriated funds), or exchange. The bill also requires all federal agencies to inventory lands and waters within the Refuge boundary to determine their suitability for inclusion and if they are deemed suitable for inclusion, the property would be subsequently transferred to the Department of the Interior for inclusion. The language includes a savings clause to maintain public access for lands acquired by the Interior Department. Although the initial size of the refuge will be subject to administrative discretion and negotiation with the locally based Conservation Authority, the federal government's total obligation for land acquisition under the MSHCP Implementing Agreement is 25,500 acres. The Water, Oceans and Wildlife Subcommittee held a hearing on a similar bill in the 116th Congress. As introduced in the 117th Congress, the bill includes minor changes when compared to the version introduced in the 116th Congress. Specifically, it includes a Sense of Congress indicating that the Conservation Authority, which manages the MSHCP, will function as a partner in the refuge. *The Ranking Member* supports, and the bill is expected to move by unanimous consent.

The hearing memo for H.R. 972 prepared by Committee Republican staff may be viewed here.

Staff contact: Kiel Weaver (<u>Kiel.Weaver@mail.house.gov</u>), Annick Miller (<u>Annick.Miller@mail.house.gov</u>) and Rob MacGregor (<u>Robert.MacGregor@mail.house.gov</u>)

H.R. 1154 (McEachin), Great Dismal Swamp National Heritage Area Act

This bill requires the Secretary of the Interior to assess the suitability and feasibility of designating a study area comprised of cities and counties in Virginia and counties in North Carolina as a National Heritage Area (NHA) to be known as the Great Dismal Swamp NHA. The Great Dismal Swamp is a marshy region on the Coastal Plain of southeastern Virginia and northeastern North Carolina stretching roughly 37 miles from north to south and covering an area of approximately 750 square miles. About 167 square miles of this is protected within the Great Dismal Swamp National Wildlife Refuge, established in 1974. The Great Dismal Swamp has a long history of Native American inhabitants and was a known route and destination for freedom seekers. This measure previously passed the House as an amendment to H.R. 803, the Protecting America's Wilderness and Public Lands Act. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

⁷ Great Dismal Swamp, ENCYCLOPEDIA BRITANNICA (2018), https://www.britannica.com/place/Great-Dismal-Swamp (last visited Jun 10, 2021).

⁸ History of the Dismal Swamp, Dismal Swamp Canal Welcome Center (2019), https://dismalswampwelcomecenter.com/history/ (last visited Jun 10, 2021).

The hearing memo for H.R. 1154 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 1664 (Veasey), National Medal of Honor Museum Foundation commemorative work

The Medal of Honor is our nation's highest medal for valor in combat awarded to members of the U.S. Armed Forces. The medal was first authorized in 1861 for U.S. Navy Sailors and Marines, and the following year for U.S. Army Soldiers. Since then, more than 3,400 Medals of Honor have been awarded to members of all Department of Defense services and the Coast Guard. Medals of Honor are awarded sparingly, and only bestowed upon the bravest of the brave. Their courage and valor in combat must be well documented. H.R. 1664 would authorize the National Medal of Honor Museum Foundation to establish a commemorative work, such as a monument or memorial, on federal land in the District of Columbia or its environs to recognize Medal of Honor recipients. The bill requires the Foundation to follow the location requirements established by the Commemorative Works Act (Public Law 99-652) and prohibits the use of federal funds for the commemorative work. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 1664 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 1908 (Case), Ka'ena Point National Heritage Area Act

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the Ka'ena Point NHA. The bill focuses on an undeveloped area of Ka'ena Point located on the west end of O'ahu from Makua to Waialua. The area is home to the last intact sand dune ecosystem in Hawai'i and said to be named after a sibling of the Hawaiian goddess Pele. Ka'ena Point also includes an area known as *Leina A Ka'uhane*, an important recognized cultural site that, according to some Hawaiian traditions, is where the souls of the deceased leapt into the next plane of existence. ¹² Ka'ena is also home to various protected species including laysan albatrosses, wedge-tailed shearwaters, monk seals, and fragile native plants. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

⁹ History of the Medal of Honor, Medal of Honor - United States Army (2020), https://www.army.mil/medalofhonor/history.html (last visited May 17, 2021). ¹⁰ *Id*.

¹¹ Id.

The hearing memo for H.R. 1908 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 2278 (Connolly), September 11th National Memorial Trail

This year marks the 20th Anniversary of the terrorist attacks of September 11, 2001. Several memorials have been established nationwide to honor the victims and first responders who perished in the attacks including the National 9/11 Pentagon memorial in Virginia, the Flight 93 National Memorial in Pennsylvania, and the National September 11 Memorial and Museum in New York. H.R. 2278 authorizes the Secretary of the Interior to designate a memorial trail approximately 1,300 miles in length to link the three existing memorials. The tour route will intersect Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and Washington, D.C. and be administered by the National Park Service (NPS). Roughly fifty percent of the trail is developed roadway, meaning those portions will be shared with vehicles. ¹³*The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 2278 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 2444 (González-Colón), Fort San Gerónimo Preservation Act

Fort San Gerónimo del Boquerón is a small, two-level, stone masonry fort located at the easternmost point of the islet of San Juan, Puerto Rico. Part of the massive fortification system built by Spanish military engineers between the 16th and 19th centuries to protect San Juan from foreign invasions, Fort San Gerónimo became a centerpiece of the city's first line of defense, and the site is the sole surviving fortification on the Island. The fort was eventually acquired by Puerto Rico in 1949 and is now owned and managed by the Institute of Puerto Rican Culture, a State government agency in Puerto Rico. ¹⁴ H.R. 2444 would establish Fort San Gerónimo del Boquerón as an affiliated area of the National Park System. Affiliated areas are sites that are managed and owned by nonfederal entities but for which the NPS provides technical or financial assistance under the terms of a formal agreement. In 2020, the NPS published a special resource study that found that Fort San Gerónimo is nationally significant, met suitability criteria, and had strong public support to enhance the interpretation and preservation of the site. ¹⁵ Designating Fort San Gerónimo as an affiliated area this year is particularly timely as the City of San Juan is commemorating

¹³ Uriah Kiser, Connolly pushes effort to federalize 9/11 memorial trail Potomac Local News (2021), https://potomaclocal.com/2021/03/31/connolly-pushes-effort-to-federalize-9-11-memorial-trail/ (last visited May 17, 2021).

¹⁴ *Id*.

¹⁵ *Id*.

the 500th anniversary of its founding. *The Ranking Member supports*, and the bill is expected to move by unanimous consent.

The hearing memo for H.R. 2444 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 2497 (Neguse), Amache National Historic Site Act

Executive Order 9066, issued by President Franklin D. Roosevelt in 1942 and enforced by law (P.L. 77-503), forcibly removed tens of thousands of Japanese Americans, including nearly 70,000 American citizens, from the West Coast to internment centers further inland during World War II. The smallest internment camp was located a mile from Granada, Colorado and was unofficially known as "Amache." Over 7,000 residents of Japanese ancestry, most of them American citizens, were imprisoned at Amache from 1942 to 1945, making the camp the tenth largest concentration of people in Colorado at the time. Amache is currently owned by the town of Granada, Colorado, and maintained by a group of student volunteers, who, led by their high school social studies teacher, are known as the Amache Preservation Society. The Amache National Historic Site Act, H.R. 2497, offered by Representative Neguse of Colorado, would establish the Amache National Historic Site in Colorado as a unit of the National Park System. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 2497 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R 2780 (Grijalva), Insular Area Climate Change Act.

This bill authorizes \$175 million to establish several new grant programs within the Department of the Interior (DOI), the Department of Commerce, the Department of Energy (DOE), and the Environmental Protection Agency (EPA) that would be focused on addressing climate change in the U.S. territories and Freely Associated States. ²⁰ There are already several existing federal grants and loan programs available to Insular Areas to address issues such as climate research, improving energy security, coral reef mitigation

https://www.ourdocuments.gov/doc.php?flash=false&doc=74(last visited Apr 14, 2021).

https://amache.org/overview/#:~:text=The%20population%20of%20Granada%20peaked,whom%20the%20county%20is%20named. (last visited Apr 14, 2021).

¹⁶ Executive order 9066: Resulting in the relocation of Japanese (1942),

¹⁷ Overview, Amache.org (2018),

¹⁸ *Id*.

¹⁹ *Id*.

²⁰ American Samoa, Commonwealth of the Northern Marianas Islands, Guam, Puerto Rico, the U.S. Virgin Islands and the Freely Associated States of the Republic of the Marshall Islands, Republic of Palau and the Federated States of Micronesia.

efforts, energy efficiency, energy conservation and renewable energy resources. These programs include:

- Department of Energy
 - o the Energy Efficient Appliance Rebate Program,
 - o the Energy Efficiency and Conservation Block Grants Program,
 - o the State Energy Program,
 - o the Weatherization Assistance Program.
- Department of Housing and Urban Development (HUD)
 - o the Community Development Block Grant Disaster Recovery program.
- Department of the Interior
 - o the DOI Technical Assistance Program,
 - o the Energizing Insular Communities program,
 - o the Coral Reef and Natural Resources Initiative
 - o the Maintenance Assistance Program.

Efforts to reduce carbon emissions are already well underway in the Insular Areas. Rather than utilizing existing programs, the bill would increase the size of the federal government by creating new offices within the National Oceanic and Atmospheric Administration (NOAA), EPA, and DOE, which will greatly increase bureaucracy.

The bill would establish a multi-agency Insular Area climate change task force and establish an Insular Area National Program office within the EPA with the goal of expanding renewable energy and energy efficiency in the Insular Areas. Currently, all of the U.S. Territories meet the majority of their energy needs through imported petroleum products. However, despite a reliance on imported petroleum products, many of the territories have set new goals for renewable energy in the coming decades. ²¹ This bill would force the U.S. territories use of solar, wind, hydroelectric, geothermal, and ocean energy and ignores the proven reliability of liquefied natural gas (LNG), nuclear, biomass, and other energy options.

Republicans support each U.S. territory exercising self-determination. New spending will not be the cure all for climate related challenges the Insular Areas and Freely Associated States face. Congress should instead work to improve existing programs and functions that support resiliency in Insular Areas to support the individual needs of each U.S. territory, promote innovation in their energy sectors, and embrace an all of the above approach to meeting their energy needs. *The Ranking Member is opposed. Republican amendments are anticipated.*

²¹ U.S. Energy Information Administration, December 17, 2020, https://www.eia.gov/state/?sid=AQ

The hearing memo for H.R. 2780 prepared by Committee Republican staff may be viewed here.

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H.R. 2899 (San Nicolas), Guam National Heritage Area study

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the island of Guam as an NHA. Guam, a U.S. territory in the North Pacific Ocean, is the largest, most populous, and southernmost of the Mariana Islands. ²² Guam has been inhabited for thousands of years and archaeological evidence indicates that the Mariana Islands were one of the first places settled by seafaring peoples. The Mariana Islands appear to have been continuously occupied by people who shared the same culture and language that eventually became known as Chamorro. Guam's history is also one of multi-colonialism, with the last 400 years of Guam's history marked by administrations of three different colonial powers: Spain, the United States, and Japan. Guam was ceded to the United States as an unincorporated territory after the Spanish-American War in 1898. ²³ Guam also had a unique position in World War II when Japan invaded the island shortly after the attack on Pearl Harbor in December 1941. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 2899 prepared by Committee Republican staff may be viewed <u>here.</u>

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 3113 (Moore of Utah), MAPLand Act

The federal government owns an estimated 640 million acres, about 28% of the 2.27 billion acres of land in the United States. 24 Starting in 2003, the Government Accountability Office (GAO) began listing federal real property management on its High Risk List due to the likelihood of "fraud, waste, abuse, and mismanagement" and the need for reforms. 25 The MAPLand Act, H.R. 3113, would direct federal land management agencies to consolidate, digitize, and make publicly available recreational access information as

²² Dirk Anthony Ballendorf, Guam Encyclopedia Britannica (2021), https://www.britannica.com/place/Guam/Government-and-society (last visited Jun 10, 2021). https://www.britannica.com/place/Guam/Government-and-society (last visited Jun 10, 2021).

²⁴ Carol Hardy Vincent & Laura A. Hanson, Congressional Research Service (2020), https://crsreports.congress.gov/product/pdf/R/R42346 (last visited Jun 2, 2021).

²⁵ Federal Real Property: Current Efforts, GAO Recommendations, and Proposed Legislation Could Address Challenges [Reissued on June 24, 2015] (2015), https://www.gao.gov/products/gao-15-688t (last visited Jun 3, 2021).

geospatial files. These records would include information about legal easements and rights-of-way across private land; year-round or seasonal closures on roads and trails, as well as restrictions on vehicle-type; boundaries of areas where special rules or prohibitions apply to hunting and shooting; and areas of public waters that are closed to watercraft or have horsepower restrictions. ²⁶ Currently, many of the easement records that identify legal means of access onto Forest Service or Bureau of Land Management lands are stored at the local level in paper files, which makes it difficult for hunters, anglers, and even the agencies themselves to identify public access opportunities. ²⁷ *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 3113 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 3616 (Moore of Utah), Bear River National Heritage Area Study Act

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the Bear River NHA in northern Utah and southern Idaho. The Bear River area straddles the Utah-Idaho border where the Great Basin and Rocky Mountains meet and consists of seven counties: Cache, Box Elder, and Rich in northern Utah and Franklin, Bear Lake, Caribou, and Oneida in southeastern Idaho. The Bear River area is home to the Northwestern Band of the Shoshone Nation, a strong agricultural economy, Golden Spike National Historical Park, numerous Mormon history sites, the Oregon Trail, and abundant natural beauty. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 3616 prepared by Committee Republican staff may be viewed here.

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R 3764 (Grijalva), Ocean-Based Climate Solutions Act of 2021

This far-reaching 290-page legislation could raise energy costs on American consumers through a legislated ban on new offshore oil and gas drilling outside of the Gulf of Mexico.

Despite its title, the bill could also have significant impacts to inland areas of the United States. The bill specifically requires NOAA to create a national map that identifies upstream structures or "pollution" sources that can affect a watershed and the potential for "blue carbon" sequestration. There are no limits of how far "upstream" the map can go.

²⁶ Randall Williams, MAPLand Act: The Basics Theodore Roosevelt Conservation Partnership (2020), https://www.trcp.org/2020/03/20/mapland-the-basics/ (last visited Jun 3, 2021). https://www.trcp.org/2020/03/20/mapland-the-basics/ (last visited Jun 3, 2021).

This was confirmed during the full Natural Resources committee hearing on the bill when Congressman Tom Tiffany (R-WI) asked if the whole Mississippi River watershed would need to be included in this new map. NOAA answered yes.²⁸

Beyond mapping, this legislation will increase bureaucracy and red tape for any activity, including the construction and maintenance of inland infrastructure, that may affect "blue carbon areas of significance." Added authorities would be given to NOAA for this purpose. It also advances the Biden Administration's "30x30" initiative by fast-tracking marine protected areas and sanctuaries, which could lock up important marine resources. *The Ranking Member is opposed. Republican amendments are expected.*

The hearing memo for H.R. 3764 prepared by Committee Republican staff may be viewed here.

Staff contact: Kiel Weaver (<u>Kiel.Weaver@mail.house.gov</u>) and Annick Miller (<u>Annick.Miller@mail.house.gov</u>)

H.R. 4300 (Miller-Meeks), Veterans in Parks (VIP) Act

We can never repay the debt owed to our military servicemembers, veterans, and Gold Star Families. However, as a small acknowledgement of their sacrifice, the Trump Administration provided free access for veterans and Gold Star Families to the public lands they and their fallen family members fought so hard to defend. Unfortunately, the annual veterans and active-duty military passes have never been codified under FLREA, the statute governing entrance fees and standard amenity fees at more than 2,000 federal recreation areas. As these passes have never been established by Congress, they could easily be undone by future administrations. The bipartisan Veterans in Parks (VIP) Act amends FLREA to make these benefits permanent and protected by: (1) providing free lifetime passes for veterans, (2) providing free annual passes for current military servicemembers, and (3) converting the current annual pass for Gold Star Families into a free lifetime pass. *The Ranking Member supports, and the bill is expected to move by unanimous consent.*

The hearing memo for H.R. 4300 prepared by Committee Republican staff may be viewed here.

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III. EFFECT ON CURRENT LAW (RAMSEYER)

- <u>H.R 2780 (Grijalva)</u>
- H.R. 3764 (Grijalva)

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²⁸ Full Committee Legislative Hearing, June 22, 2021. https://www.youtube.com/watch?v=ef1OlMry_bg

• H.R. 4300 (Miller-Meeks)