



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: Wednesday, July 26, 2023
Subject: Markup of 9 bills

The House Committee on Natural Resources will hold a markup on **Wednesday, July 26, 2023, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include: H.R. 2717 (Rep. Moore of Utah) H.R. 2997 (Rep. Boebert), H.R. 3049 (Rep. Curtis), H.R. 3499 (Rep. Issa), H.R. 3675 (Rep. Boebert), H.R. 4141 (Rep. Fulcher), H.R. 1318 (Rep. Neguse), H.R. 1722 (Rep. Salinas), and H.R. 4377 (Rep. Grijalva).

Member offices are requested to notify Madeline Bryant (madeline.bryant@mail.house.gov) by 4:30 p.m. on Tuesday, July 25, 2023, to confirm their Member's attendance at the mark-up.

I. KEY MESSAGES & TOP LINE ACTIONS

- Bills expected to move by regular order: H.R. 3675 (Rep. Boebert), "*Western Water Accelerated Revenue Repayment Act*," and H.R. 4141 (Rep. Fulcher), To provide that certain communications projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.
- H. R. 3675 and H.R. 4141 will have an amendment in the nature of a substitute (ANS). Members are advised to draft any amendments to H.R. 3675 and H.R. 4141 to the appropriate ANS.
- Bills expected to move by unanimous consent: H.R. 2717 (Rep. Moore of Utah), "*Hershel 'Woody' Williams National Medal of Honor Monument Location Act*"; H.R. 2997 (Rep. Boebert), "*Clifton Opportunities Now for Vibrant Economic Yields Act*" or *CONVEY Act*; H.R. 3049 (Rep. Curtis), "*Utah School and Institutional Trust Lands Administration Exchange Act of 2023*"; H.R. 3499 (Rep. Issa), "*Direct Hire to Fight Fires*"; H.R. 1318 (Rep. Neguse), "*Women's Suffrage National Monument Location Act*"; H.R. 1722 (Rep. Salinas), "*Grand Ronde Reservation Act Amendment of 2023*"; and H.R. 4377 (Rep. Grijalva), To amend the Military Lands Withdrawal Act of 1999 with respect to extensions, additions, and revisions to the Barry M. Goldwater Range in Arizona;

II. EXPECTED LEGISLATION

[H.R. 2717](#) (Rep. Moore of Utah), “*Hershel ‘Woody’ Williams National Medal of Honor Monument Location Act*”

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.¹ This year marked the 160th anniversary of the awarding of the first Medal of Honor by President Abraham Lincoln in the midst of the Civil War.² Since its establishment, 3,516 Medals of Honor have been awarded to members of all Department of Defense services.³ Medals of Honor are awarded sparingly by Presidents, and only bestowed upon the bravest of the brave. Their courage and valor in combat must be well documented.⁴ There are only 65 living recipients of the Medal of Honor.⁵

During the 117th Congress, H.R. 1664 was passed to 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.⁶ The bill required the National Medal of Honor Museum Foundation to follow the standard legal framework established by the CWA, prohibited the use of federal funds for the commemorative work, and required that sufficient funds be provided to the National Park Service for maintenance of the commemorative work.⁷ Similar to the women’s suffrage monument, proponents of the Medal of Honor National Memorial are now looking to place the Memorial in a prominent location in the Reserve, requiring a new Act of Congress. H.R. 2717 would authorize the location of the National Medal of Honor Memorial within the Reserve. This bipartisan legislation is being co-led by Representative Veasey (D-TX). An amendment will be offered at markup making technical corrections to the legislation.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov) and Lauren Limke (Lauren.Limke@mail.house.gov)

¹ History of the Medal of Honor, United States Army, March 30, 2023, <https://www.army.mil/medalofhonor/history.html>.

² Dan McLaughlin, “The Medal of Honor’s Anniversary,” March 25, 2023, National Review, <https://www.nationalreview.com/corner/the-medal-of-honors-anniversary/>.

³ *Id.*

⁴ History of the Medal of Honor, United States Army, March 30, 2023, <https://www.army.mil/medalofhonor/history.html>.

⁵ The Medal, National Medal of Honor Museum, Accessed June 28, 2023, <https://mohmuseum.org/the-medal/>.

⁶ P.L. 117-80, <https://www.congress.gov/bill/117th-congress/house-bill/1664>.

⁷ *Id.*

H.R. 2997 (Rep. Boebert), “*Clifton Opportunities Now for Vibrant Economic Yields (CONVEY) Act*”

The State of Colorado contains more than 24 million acres, or over 36 percent, of land owned by the federal government.⁸ Specifically, in Mesa County, the federal government owns over 72 percent of the land.⁹ As the population continues to grow, the county is significantly limited in the land it has available to develop. H.R. 2997 would convey 31.1 acres from the Bureau of Land Management (BLM) to Mesa County, Colorado. The land sits in a prime location along Interstate 70. The land would be used for economic development in Clifton, a town in central Mesa County and a suburb of Grand Junction. Even though this parcel has been identified for disposal by the BLM (meaning the agency deemed it is no longer serving the public interest), this conveyance has been held up for over five years. Once Mesa County can secure the land from the BLM, the County plans to establish an economic development board to solicit input from stakeholders and pursue development options. Congressionally directed conveyances are a win-win, as growing rural communities can expand and develop and the federal government can focus its limited resources on managing more high-value lands. Representatives Lamborn (R-CO-5) and Buck (R-CO-4) are cosponsors of this legislation. An amendment will be offered at markup by Representative Boebert that makes technical corrections to the bill, including updating the map.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contact: Taylor Wiseman (Taylor.Wiseman@mail.house.gov)

H.R. 3049 (Rep. Curtis), “*Utah School and Institutional Trust Lands Administration Exchange Act of 2023*”

H.R. 3049 would ratify a Memorandum of Understanding (MOU) to facilitate a series of land exchanges between the Department of the Interior (DOI) and the State of Utah. In March of 2023, the Secretary of the Interior, the Governor of the State of Utah, and the Director of Utah School and Institutional Trust Lands Administration (SITLA) agreed to a land exchange between the federal government and SITLA through a MOU. The land exchange will allow SITLA to acquire higher production land outside of the Bears Ears National Monument (BENM) and release less productive land within the BENM.

SITLA manages its “trust lands,” which were granted to the state when it entered the union, to generate funding for K-12 public schools through activities like energy and mineral production, real estate, and grazing. The legislation would allow SITLA to generate more revenue to support Utah’s public education system by allowing SITLA to acquire lands with higher revenue-generating potential. Interested parties have identified lands of approximate equal value and the bill provides provisions for ensuring equal exchange value once appraisals are completed. In total, the State of Utah will acquire approximately 167,000 acres and the federal government will

⁸ Federal Land Ownership: Overview and Data, Congressional Research Service, February 21, 2020, <https://www.crs.gov/Reports/R42346>.

⁹ Statistics for the Planning Department, Mesa County, Accessed June 13, 2023, <https://www.mesacounty.us/departments-and-services/community-development/planning/general-information-planning-department/statistics>.

acquire approximately 162,500 acres in the exchange, a net decrease of 4,500 acres in the federal estate.¹⁰ The legislation does not codify the BENM or affect the State of Utah’s ongoing litigation challenging the legality of the monument. An identical companion bill has been introduced in the U.S. Senate by Senator Lee (R-UT), S. 1450. The entire Utah delegation has cosponsored this legislation in the House and Senate.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contact: Taylor Wiseman (Taylor.Wiseman@mail.house.gov)

H.R. 3499 (Rep. Issa), “*Direct Hire to Fight Fires*”

Each year, the U.S. Forest Service (USFS) and DOI hire thousands of seasonal wildland firefighters. Due to the seasonal nature of the job, the agencies must undergo intense recruiting and retention practices. The federal government application process can be very burdensome. To streamline the process, USFS and DOI have received limited, temporary direct hire authority (DHA) from the Office of Personnel Management (OPM) in past years. DHA is authority granted by OPM on a temporary basis to a federal agency when there is a critical need for hiring or a severe shortage of candidates exists.¹¹ DHA expedites hiring by removing competitive rating and ranking, preferences for certain candidates, and requirements to consider the top three candidates.¹² In fiscal year 2022, the amount of time it took to hire an employee using Fire DHA was on average 58 days, compared to the non-use of Fire DHA at 96 days.¹³ H.R. 3499, the “Direct Hire to Fight Fires” Act would give the Secretary of Agriculture and the Secretary of the Interior permanent Direct Hire Authority to hire qualified candidates on an expedited basis. This would apply broadly to several roles that serve in firefighting or firefighting support personnel capacities. The bill also directs USFS and DOI to identify policies and propose changes to reduce the time and complexity of hiring wildland firefighters and support personnel. Finally, this legislation requires the agencies to regularly report to Congress on the status of their wildland firefighting hiring efforts.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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H.R. 3675 (Rep. Boebert), “*Western Water Accelerated Revenue Repayment Act*”

H.R. 3675 would reauthorize currently expired Bureau of Reclamation (Reclamation) authorities that allow agriculture and municipal water users to pre-pay their contracts. Water and power users typically sign long-term contracts (ranging from 20 to 50 years) with Reclamation to reimburse the Federal government for the capital investments made in water infrastructure

¹⁰ Information provided by SITLA to Committee Staff. A map of land to be exchanged is on file with the Committee.

¹¹ Direct Hire Authority, Office of Personnel Management, Accessed May 18, 2023, <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/#url=Fact-Sheet>.

¹² *Id.*

¹³ Data provided by the Forest Service to Committee Staff via email.

projects. Generally, many of the repayments must be paid through annual installments and cannot be pre-paid. Only Congress can authorize pre-payment. To address the issue, Section 4011 of the Water Infrastructure Improvements for the Nation (WIIN) Act (Pub. L. No. 114-322) gave these agricultural and municipal water users the ability to pre-pay outstanding construction costs through a single lump sum payment or over a period of three years. While this program was successful, with more than 80 entities deciding to pre-pay what they owed the Federal government, the authorities expired in 2021. H.R. 3675 permanently reauthorizes these authorities.

Rep. Boebert will offer an ANS to clarify that prepayments will not impact project-specific statutes. This addresses a concern raised by Reclamation that some of the prepayment funds would be taken away from current uses, such as operations, maintenance, and repairs.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Annick Miller (Annick.Miller@mail.house.gov)

H.R. 4141 (Rep. Fulcher), To provide that certain communications projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes

Broadband is an increasingly vital technology for all aspects of modern life.¹⁴ Despite this growing importance, there are roughly 42 million Americans with no access to broadband.¹⁵ This ongoing dilemma, which has come to be known as the “digital divide,” is especially pronounced in rural and tribal communities.¹⁶ Roughly 17 percent of Americans in rural communities and 18 percent of Americans living on tribal lands lack access to broadband.¹⁷ In the past, Congress attempted to increase broadband access by spending billions of taxpayer dollars while failing to address the root cause of broadband deployment delays, cumbersome and inefficient regulations. Most recently, the Infrastructure Investment and Jobs Act (IIJA) included \$65 billion for broadband but failed to pair this funding with much needed reforms to the burdensome regulatory process that continues to hamper broadband projects.¹⁸

H.R. 4141, introduced by Congressman Fulcher, seeks to streamline the federal permitting process for certain broadband projects. Specifically, H.R. 4141 would exempt deployments over certain previously disturbed lands from National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) reviews. This bill would also codify a Federal

¹⁴ Millions Of Americans Are Still Missing Out On Broadband Access And Leaving Money On The Table—Here’s Why, Forbes, Natalie Campisi and Korrena Bailie, May 26, 2023, <https://www.forbes.com/advisor/personal-finance/millions-lack-broadband-access/>.

¹⁵ *Id.*

¹⁶ Closing the Digital Divide for the Millions of Americans without Broadband, U.S. Government Accountability Office, February 1, 2023, <https://www.gao.gov/blog/closing-digital-divide-millions-americans-without-broadband>.

¹⁷ Broadband: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide, U.S. Government Accountability Office, May 31, 2022, <https://www.gao.gov/assets/gao-22-104611.pdf>; TRIBAL BROADBAND: National Strategy and Coordination Framework Needed to Increase Access, U.S. Government Accountability Office, June 22, 2023, <https://www.gao.gov/products/gao-22-104421>.

¹⁸ Public Law No. 11758, November 15, 2021, <https://www.congress.gov/bill/117th-congress/house-bill/3684>.

Communications Commission (FCC) action to responsibly expedite and improve the NHPA tribal review process for new wireless towers to determine whether historic properties of religious and cultural significance may be affected. The FCC action established a 45-day process for moving forward with certain projects in instances in which a tribe does not respond after being given the opportunity to review the required FCC forms. In addition to codifying this presumption, it also provides factors that a tribe can use to overcome presumption. This standalone bill mirrors Title III of H.R. 3557, the “American Broadband Deployment Act,” which passed the House Energy and Commerce Committee on May 24, 2023.¹⁹

The House Committee on Natural Resources hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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H.R. 1318 (Rep. Neguse), “*Women’s Suffrage National Monument Location Act*”

Under the Commemorative Works Act (CWA), any new monument or memorial in the District of Columbia or the surrounding area must be approved by an Act of Congress.²⁰ Typically, once approved, a private organization will have seven years to raise the required funding for the commemorative work’s construction and design. The CWA also established the “Reserve”, which broadly encompasses what is known as the National Mall. The CWA found that the Reserve was “a substantially completed work of civic art” where the siting of new commemorative works should be prohibited.²¹ In order to place a new commemorative work in the Reserve or near the Reserve (Area 1), an additional Act of Congress is required. While this is somewhat rare, most recently Congress authorized a location within the Reserve for the Global War on Terrorism Memorial in 2021.²²

For the first 144 years of America’s history, women did not have the right to vote. In the middle of the 19th century, the women’s suffrage movement emerged with the goal of securing this important constitutional right for women across the nation.²³ In 1919, Congress passed a constitutional amendment (the 19th amendment) granting women the right to vote, which was formally ratified by the states on August 18, 1920.²⁴ In December 2020, President Trump signed legislation authorizing the creation of a federal monument in Washington, D.C., to honor the women’s suffrage movement and the historic passage of the 19th amendment.²⁵ That legislation empowered the Women’s Suffrage National Monument Foundation to establish a

¹⁹ E&C Advances Seven Bills to Close the Digital Divide and Improve American Leadership in Wireless Communications, House Energy and Commerce Committee, May 24, 2023, <https://energycommerce.house.gov/posts/e-and-c-advances-seven-bills-to-close-the-digital-divide-and-improve-american-leadership-in-wireless-communications>.

²⁰ 40 U.S.C. §§8901-8909.

²¹ *Id.*

²² Sec. 6605, Public Law No: 117-81.

²³ National Archives, “Woman Suffrage and the 19th Amendment” <https://www.archives.gov/education/lessons/woman-suffrage#background>.

²⁴ The National Archives, 19th Amendment to the U.S. Constitution: Women's Right to Vote (1920), February 8, 2022, <https://www.archives.gov/milestone-documents/19th-amendment#:~:text=Passed%20by%20Congress%20June%202024,decades%20of%20agitation%20and%20protest>.

²⁵ Forbes, Trump Signs Bill For Women’s Suffrage Monument In Washington, D.C., December 17, 2020, <https://www.forbes.com/sites/carleporterfield/2020/12/17/trump-signs-bill-for-womens-suffrage-monument-in-washington-dc/?sh=7140d83b1f66>.

commemorative work on federal land in D.C. or its environs. The bill required the Women’s Suffrage National Monument Foundation to follow the standard legal framework established by the CWA and prohibited the use of federal funds for the commemorative work.²⁶ H.R. 1318, the “Women’s Suffrage National Monument Location Act,” authorizes the congressionally chartered Women’s Suffrage National Monument to be placed in the Reserve. Under the CWA, this additional legislation is necessary for the Memorial to be placed on the National Mall. Supporters of H.R. 1318 argue that this monument would be the first tribute to women’s history on the National Mall. H.R. 1318 is a bipartisan bill being co-led by Representative Lesko (R-AZ). Senators Baldwin (D-WI) and Blackburn (R-TN) are leading companion legislation in the Senate.²⁷

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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H.R. 1722 (Rep. Salinas), “Grand Ronde Reservation Act Amendment of 2023”

H.R. 1722 would amend the Grand Ronde Reservation Act to reflect that the Grand Ronde tribe’s extinguishment of land claims against the United States only applies to an 84-acre parcel of land, known as the Thompson Strip. The bill would also add a gaming prohibition for any future land awarded as part of a land claims settlement and prohibits the use of money received as part of a land claim settlement to purchase land for gaming purposes.

In 1988, Congress enacted the Grand Ronde Reservation Act. This Act and subsequent acts created a reservation for the tribe mostly within the boundaries of the former 1857 Grand Ronde Reservation in Polk and Yamhill Counties, Oregon. Today, the tribe has a total of 10,311 acres of trust land. According to the tribe, all but 259 acres of these lands are forested, and the tribe is actively engaged in timber management. The non-forested trust parcels host tribal buildings and housing, a casino, and other infrastructure.

On October 31, 1988, the Bureau of Land Management (BLM) discovered that several surveying errors had been made along the southeast boundary of the Tribe’s reservation. On the realization of the error, the BLM contacted the Tribe to correct the situation. In 1994, the Tribe and BLM agreed to a land transfer, which Congress included as part of a larger Indian technical corrections bill.

While the Tribe received compensatory lands under this law, it was determined that the “extinguishment of claims” phrase used in the bill included all, and potential future, land claims within the entire State of Oregon. The tribe contends that this was done in error and not intended to bar it from other potential land claims. H.R. 1722 would amend current law to reflect that the tribe is only barred from bringing a future land claim on the 84-acre Thompson Strip parcel.

²⁶ Public Law No: 116-217.

²⁷ S. 886, “Women’s Suffrage National Monument Location Act”, 118th, <https://www.congress.gov/bill/118th-congress/senate-bill/886>.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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H.R. 4377 (Rep. Grijalva), To amend the Military Lands Withdrawal Act of 1999 with respect to extensions, additions, and revisions to the Barry M. Goldwater Range in Arizona

The Barry M. Goldwater Range (BMGR) is a 1.9-million-acre complex located in southwestern Arizona in Maricopa, Pima, and Yuma counties.²⁸ It has served as a military training range since it was first established to train United States pilots and other aircrew members during World War II. It is the nation’s fourth largest land-based range and the largest range for tactical aviation training.²⁹ The Military Land Withdrawal Act of 1999 originally withdrew the BMGR from uses that are inconsistent with its military mission. The current withdrawal is scheduled to expire on October 4, 2024. Both the Air Force and Navy have expressed the need to continue using the BMGR and the need for additional land. H.R. 4377 would extend the land withdrawal for the BMGR until 2049 and add 2,365.89 acres of public land to the base. The additional withdrawal of BLM and Bureau of Reclamation land for the base provides additional security and safety of flight operations. The bill also updates discrepancies in title records to clarify the withdrawal and ownership of certain lands around the base. Additionally, the bill transfers an old mining site currently owned by the Air Force and located in the Cabeza Prieta National Wildlife Refuge to the U.S. Fish and Wildlife Service. The Air Force has no use for the site, which is located approximately 20 miles south of BMGR.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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III. CBO SCORES

None available.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 2717](#)

[H.R. 3049](#)

[H.R. 3499](#)

[H.R. 3675](#)

[H.R. 4141](#)

[H.R. 1722](#)

[H.R. 4377](#)

²⁸ 944th Fighter Wing, “Barry M. Goldwater Range, <https://www.944fw.afrc.af.mil/About-Us/Fact-Sheets/Display/Article/189492/barry-m-goldwater-range/>.

²⁹ Information provided by U.S. Air Force Staff to Committee Staff. Notes on file with Committee.