



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: Tuesday, October 24, 2023
Subject: Markup of 8 bills

The Natural Resources Committee will hold a markup on **Tuesday, October 24, 2023, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include: H.R. 5283 (Rep. Malliotakis); H.R. 5616 (Rep. Graves of Louisiana); H.R. 4587 (Rep. Rutherford); H.R. 1792 (Rep. Radewagen); H.R. 3415 (Rep. Hageman); H.R. 5009 (Rep. Joyce of Ohio); H.R. 2560 (Rep. Keating); and H.R. 4770 (Rep. Sarbanes).

Member offices are requested to notify Madeline Bryant (madeline.bryant@mail.house.gov) by 4:30 p.m. on Monday, October 23, 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. 5283 (Rep. Malliotakis), "*Protecting Our Communities from Failure to Secure the Border Act of 2023*"; H.R. 5616 (Rep. Graves of Louisiana), "*BRIDGE Production Act of 2023*"; and H.R. 4587 (Rep. Rutherford), "*Red Snapper Act*".
- Please note that H.R. 5283, H.R. 5616, and H.R. 4587 each will have an amendment in the nature of a substitute (ANS). Members should ensure that any amendments are drafted to the appropriate ANS.
- Bills expected to move by unanimous consent: H.R. 1792 (Rep. Radewagen), "*South Pacific Tuna Treaty Act of 2023*"; H.R. 3415 (Rep. Hageman), "*Pilot Butte Power Plant Conveyance Act*"; H.R. 5009 (Rep. Joyce of Ohio), "*WILD Act*"; H.R. 2560 (Rep. Keating), "*Sea Turtle Rescue Assistance Act of 2023*"; and H.R. 4770 (Rep. Sarbanes), "*Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2023*".

II. EXPECTED LEGISLATION

[H.R. 5283](#) (Rep. Malliotakis), "*Protecting Our Communities from Failure to Secure the Border Act of 2023*"

The Biden administration's ongoing failure to secure our nation's southern border has created a confluence of security, environmental, and humanitarian crises as record numbers of migrants

cross illegally into the country. Since President Biden took office, more than 6 million illegal immigrants crossed the southern border into the United States.¹ Illegal immigration is not just affecting southern borderlands but has also spilled over into major urban areas, like New York City (NYC), and the national park units within them. Over the past year, NYC has had more than 118,800 illegal immigrants flood into the city, prompting even Democratic Mayor Eric Adams to state that: “The president and the White House have failed New York City on this issue [immigration].”²

To address this massive influx of illegal immigrants, the City entered into a legally dubious lease with the Department of the Interior to house illegal immigrants at Floyd Bennett Field within the boundary of the Gateway National Recreation Area (NRA), a unit of the National Park System.³ Finalized on September 15, 2023, against strong public outcry from the local community, the lease signed by the Biden administration proposes to house at least 2,000 migrants at Floyd Bennett Field within the Jamaica Bay unit of the NRA.⁴ This week NYC Mayor Adams announced⁵ that families with children will also be housed at Floyd Bennett Field, raising the litany of concerns including, but not limited to: the potential for child abuse and trafficking, increased safety concerns, cancelled recreational activities, decreased access for the local community, and the lack of transparency and legal justification for such lease.⁶ The commencement of the lease generated bipartisan opposition in New York, prompting a site visit from the Committee, as well as testimony from numerous locally-elected officials and the U.S. Park Police Fraternal Order of Police over the course of several oversight and legislative hearings.

Full Committee oversight hearing information, including testimony and the hearing memo may be viewed [here](#). Subcommittee on Oversight and Investigations hearing information, including testimony and the hearing memo may be viewed [here](#).

The “Protecting our Communities from Failure to Secure the Border Act of 2023” would prohibit the use of federal funds to provide housing for illegal immigrants on federal lands managed by agencies such as the National Park Service (NPS), Bureau of Land Management, U.S. Fish and Wildlife Service, and the U.S. Forest Service. Chairman Westerman will offer an ANS at markup that adds a provision revoking the lease signed by the Department of the Interior and the City of

¹ Southwest Land Border Encounters, U.S. Customs and Border Protection, accessed September 28, 2023, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

² Hurubie Meko, “What to Know About the Migrant Crisis in New York City,” The New York Times, September 28, 2023, <https://www.nytimes.com/article/nyc-migrant-crisis-explained.html>. Jeffery C. Mays, “Mayor Adams Criticizes Biden in Rare Public Rebuke Over Migrant Crisis,” The New York Times, April 19, 2023, <https://www.nytimes.com/2023/04/19/nyregion/adams-biden-migrants.html>.

³ Lease Between U.S. Department of the Interior, National Park Service, and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area, National Park Service, Sep. 15, 2023, <https://www.nps.gov/aboutus/foia/upload/FINAL-LeaseFloyd-Bennet-Field-09-15-2023-2.pdf>.

⁴ National Park Service, Lease Between U.S. Dep’t of the Interior, National Park Service and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area, DEP’T OF THE INTERIOR (Sep. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

⁵ Transcript: Mayor Adams Holds In-Person Media Availability. Oct. 17, 2023. <https://www.nyc.gov/office-of-the-mayor/news/788-23/transcript-mayor-adams-holds-in-person-media-availability>.

⁶ National Park Service, *Gateway National Recreation Area: General Management Plan and Environmental Impact Statement, Record of Decision*, U.S. DEP’T OF THE INTERIOR (June 11, 2014), https://www.nps.gov/gate/learn/management/upload/GATE_GMP_ROD_JUNE2014-2.pdf.

New York to house illegal immigrants at Floyd Bennett Field. This provision is necessary as the lease was formalized after the bill's introduction.

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

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H.R. 5616 (Rep. Graves of Louisiana), “*BRIDGE Production Act of 2023*”

H.R. 5616 would require the Bureau of Ocean Energy Management (BOEM) to hold two offshore lease sales in the Gulf of Mexico in 2024 and 2025. Rep. Graves will offer an amendment in nature of a substitute to add two sales in the years 2026, 2027, and 2028 to address deficiencies in the Biden administration's recently released offshore “five-year plan.”⁷ BOEM's offshore leasing plan only proposed three potential sales over five years, which is the lowest number of sales in the history of the offshore leasing program. To ensure certainty for bidders and that robust sales are held, the bill requires that BOEM shall offer the same lease form, terms, economic conditions and stipulations utilized for Lease Sale 257 as well as the bid adequacy procedures made effective March 8, 2016. Senator Cassidy (R-LA) has introduced a Senate companion, S. 2389, the “Offshore Energy Security Act”.

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

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H.R. 4587 (Rep. Rutherford), “*Red Snapper Act*”

The bill would prevent the National Oceanic and Atmospheric Administration (NOAA) from implementing area closures in the South Atlantic until the South Atlantic Great Red Snapper Count study is complete and the findings are integrated into the fishery's stock assessment.

The South Atlantic red snapper is a highly sought commercial and recreational reef fish whose annual harvest levels are dependent on fishery management decisions based on stock assessments. Since 2010, the South Atlantic red snapper has rebounded and both scientists and fishermen agree the stock is at record abundance and biomass.⁸ However, success in rebuilding the species population has not translated into management that provides reasonable harvest

⁷ Bureau of Ocean Energy Management, 2024-2029 National OCS Oil and Gas Leasing Proposed Final Program, September 2023. https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029NatOCSoilGasLeasing_FinalPEISVol1.pdf.

⁸ Testimony from Martha Guyas before the House Natural Resources Committee, March 8, 2023. https://naturalresources.house.gov/uploadedfiles/testimony_guyas.pdf.

opportunities. The recreational fishery has largely been closed for the past 13 years except for a few weekend openings. In 2023, the season was only two days.⁹

Despite this ongoing work, seasonal and/or area-based bottom fishing closures for all 55 species of snapper grouper continues to be proposed.¹⁰ H.R. 4587 would prevent NOAA from forcing any area closures in the South Atlantic until the South Atlantic Great Red Snapper Count study is complete and the findings are integrated into the fishery's stock assessment.

H.R. 4587 has seven Republican co-sponsors: Representatives Buddy Carter (R-GA), Mario Diaz-Balart (R-FL), Jeff Duncan (R-SC), Neal Dunn (R-FL), Garret Graves (R-LA), Nancy Mace (R-SC), and Michael Waltz (R-FL).

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

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H.R. 1792 (Rep. Radewagen), “*South Pacific Tuna Treaty Act of 2023*”

The United States ratified the South Pacific Tuna Treaty (Treaty) on December 21, 1987, and it entered into force on June 15, 1988.¹¹ The Treaty provides United States purse seine vessels with fishing access to the waters under the jurisdiction of the 16 Pacific Island Parties (PIPs). The PIPs are Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Republic of the Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

The United States and the PIPs had been renegotiating the Treaty and its Annexes since 2009 to update the text and extend the terms of fishing access for U.S. vessels. In 2016, after the U.S. notified that it planned to withdraw from the Treaty,¹² the parties agreed in principle on a revised “business model” under the Treaty.¹³ The Annexes include the terms and conditions for a more viable framework for U.S. industry fishing access. The parties formally adopted the agreed to amendments to the Treaty and its Annexes on December 3, 2016.

H.R. 1792 would amend the South Pacific Tuna Act to incorporate these amendments. An amendment will be offered at markup removing the authorization of appropriation in order to

⁹ “NOAA Fisheries Announces Limited Openings of Recreational and Commercial Red Snapper Seasons in South Atlantic Federal Waters” May 23, 2023 <https://www.fisheries.noaa.gov/bulletin/noaa-fisheries-announces-limited-openings-recreational-and-commercial-red-snapper-3>.

¹⁰ Testimony from Martha Guyas before the House Natural Resources Committee, March 8, 2023. https://naturalresources.house.gov/uploadedfiles/testimony_guyas.pdf.

¹¹ NOAA Fisheries, “South Pacific Tuna Treaty.” NOAA, 8 Oct. 2021, <https://www.fisheries.noaa.gov/pacific-islands/international-affairs/south-pacific-tuna-treaty>.

¹² Kearns, M. “US decides to withdraw from Pacific tuna treaty.” Seafood Source, January 19, 2016. <https://www.seafoodsource.com/news/supply-trade/us-decides-to-withdraw-from-pacific-tuna-treaty>.

¹³ “Parties to South Pacific Tuna Treaty Agree on Principles of Fishing Access.” International Institute for Sustainable Development, July 5, 2016. <http://sdg.iisd.org/news/parties-to-south-pacific-tuna-treaty-agree-on-principles-of-fishing-access/>.

ensure the bill is compliant with House Floor protocols. H.R. 1792 is co-sponsored by Rep. Ed Case (D-HI).

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

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H.R. 3415 (Rep. Hageman), “*Pilot Butte Power Plant Conveyance Act*”

H.R. 3415 would require the Bureau of Reclamation (Reclamation) to enter into good faith negotiations with the Midvale Irrigation District (District) in Pavillion, Wyoming, to convey the Pilot Butte Power Plant (Power Plant) to the District. The bill directs Reclamation and the District to pay an equal share of the administrative costs of the transfer, as well as equal shares of the real estate transfer costs and environmental law compliance costs.

An identical Senate companion of H.R. 3415 has been introduced by Senator John Barrasso (R-WY) and is cosponsored by Senator Cynthia Lummis (R-WY). That bill, S. 1662, received a hearing on July 19, 2023, in the Senate Energy and Natural Resources, Subcommittee on Water and Power.

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

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H.R. 5009 (Rep. Joyce of Ohio), “*WILD Act*”

H.R. 5009 would reauthorize, at existing authorization of appropriations levels, the Partners for Fish and Wildlife Program (PFWP) and the programs that make up the Multinational Species Conservation Fund (MSCF) through Fiscal Year (FY) 2028. These programs expired at the end of FY 2023. These programs were last reauthorized by the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9) in 2019.¹⁴

H.R. 5009 has eight bipartisan cosponsors: Rep. Debbie Dingell (D-MI), Resident Commissioner Jenniffer Gonzalez-Colon (R-PR), Rep. Jim Costa (D-CA), Rep. Buddy Carter (R-GA), Rep. Mike Thompson (D-CA), Rep. Andrew Garbarino (R-NY), Rep. Melanie Stansbury (D-NM), and Rep. Mike Lawler (R-NY).

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

¹⁴ [P.L. 116-9](#)

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H.R. 2560 (Rep. Keating), “*Sea Turtle Rescue Assistance Act of 2023*”

H.R. 2560 would establish a federal grant program to provide funding for the recovery, care, and treatment of stranded sea turtles in the United States, data collection for scientific research on such turtles and facility operating costs.

All six sea turtle species found in U.S. waters are listed as threatened or endangered under the *Endangered Species Act* (16 U.S.C. 1531 et seq.). In the United States, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (USFWS) have shared jurisdiction for recovery and conservation of threatened and endangered sea turtles. NOAA oversees conservation and recovery of sea turtles in the marine environment, while the USFWS leads the conservation and recovery of these animals on nesting beaches.¹⁵ NOAA’s John H. Prescott Grant program has provided some funding to assist stranded sea turtles.¹⁶

Sea turtles can become stranded on coasts due to a number of factors, including cold-stun events.¹⁷ The Sea Turtle Stranding and Salvage Network (Network) is a consortium of 50 federal, state and private partners established to respond to stranded turtles.¹⁸ According to the Network, eight of these partners cared for more than 2,000 sea turtles over the last two years at a cost of \$5 million per year.¹⁹ The National Aquarium, the New England Aquarium, and the South Carolina Aquarium established programs aimed at recovering and rehabilitating stranded sea turtles and have engaged in a campaign to enact H.R. 2560.²⁰ Each of these entities, as well as other non-federal partners in the Network, would likely be eligible for grant funding under the bill.

This legislation would authorize \$5 million annually in grant funding for the next five fiscal years. An amendment will be offered at markup removing the authorization of appropriation in order to ensure the bill is compliant with House Floor protocols.

This bill has not received a hearing this Congress, but received a hearing and was marked up by the committee last Congress, passing by unanimous consent. The bill has eight bipartisan cosponsors: Resident Commissioner Jennifer Gonzalez Colon (R-PR), Reps. Andrew Garbarino (R-NY), Darren Soto (D-CA), Suzan DelBene (D-WA), Nancy Mace (R-SC), Seth Magazine (D-RI), William Timmons (R-SC) and Garret Graves (R-LA).

Hearing information, including testimony, from last Congress may be viewed [here](#) and the

¹⁵ NOAA, Fisheries, <https://www.fisheries.noaa.gov/sea-turtles>.

¹⁶ The John H. Prescott Marine Mammal Rescue Assistance Grant Program report (FY 2001-2010), <https://repository.library.noaa.gov/view/noaa/3933> at 22.

¹⁷ National Aquarium, *Sea Turtle Rescue Assistance Act*, <https://aqua.org/support/conservation/save-wildlife-and-habitats/sea-turtle-rescue-assistance-act>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

hearing memo may be viewed [here](#).

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H.R. 4770 (Rep. Sarbanes), “Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2023”

Congress established a National Oceanic and Atmospheric Administration (NOAA) Chesapeake Bay Office (NCBO) in 1992 to coordinate NOAA research and restoration efforts in the Chesapeake Bay.²¹ The NCBO was last reauthorized in 2002, and its funding authorization expired in 2006.²² H.R. 4770 would reauthorize the NCBO through FY 2027. Specifically, the bill would authorize funding for the NCBO starting at \$17 million in FY 2024, increasing annually until reaching \$22.627 million in FY 2027. In FY 2023, NCBO received \$7.6 million. An amendment will be offered at markup that removes the authorization of appropriations in order for the bill to be compliant with House Floor protocols.

This bill has three bipartisan cosponsors, including Rep. Bobby Scott (D-VA), and WWF Subcommittee members Rep. Rob Wittman (R-VA) and Rep. Jen Kiggans (R-VA). A previous version of this bill was introduced in the 117th Congress and was marked up by the House Committee on Natural Resources, passing the committee by voice vote. The bill did not receive floor consideration.

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. 1792](#)

[H.R. 5009](#)

[H.R. 4770](#)

²¹ Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d), P.L. 102–567.

²² Hydrographic Services Improvement Act Amendments of 2002, P.L. 107-372.