



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, January 17, 2024  
**Subject:** Markup of 8 bills

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The Committee on Natural Resources will hold a markup on **Wednesday, January 17, 2024, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 5482 (Rep. Hageman), H.R. 6474 (Rep. Steel), H.R. 1246 (Rep. Hageman), H.R. 5874 (Rep. Ciscomani), H.R. 6443 (Rep. Issa), H.R. 6492 (Rep. Westerman), H.R. 2950 (Rep. Huffman), and H.R. 5770 (Rep. Neguse).

Member offices are requested to notify Madeline Kelley ([madeline.kelley@mail.house.gov](mailto:madeline.kelley@mail.house.gov)) by 4:30 p.m. on Tuesday, January 16, 2024, 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. 5482 (Rep. Hageman), "*Energy Poverty Prevention and Accountability Act of 2023*"; and H.R. 6474 (Rep. Steel), To amend the Energy Policy Act of 2005 to expedite geothermal exploration and development in previously studied or developed areas.
- Please note that H.R. 5482 will have an amendment in the nature of a substitute (ANS). Members should ensure that amendments are drafted to the ANS.
- Bills expected to move by unanimous consent: H.R. 1246 (Rep. Hageman), To authorize leases of up to 99 years for land held in trust for federally recognized Indian Tribes; H.R. 5874 (Rep. Ciscomani), "*TAAP Act*"; H.R. 6443 (Rep. Issa), "*Jamul Indian Village Land Transfer Act*"; H.R. 6492 (Rep. Westerman), "*EXPLORE Act*"; H.R. 2950 (Rep. Huffman), "*Coastal Habitat Conservation Act of 2023*" with an ANS; and H.R. 5770 (Rep. Neguse), "*Water Data Improvement Act*" with an ANS.

## II. EXPECTED LEGISLATION

### **H.R. 5482** (Rep. Hageman), "*Energy Poverty Prevention and Accountability Act of 2023*"

H.R. 5482 would require the Government Accountability Office (GAO) to conduct a study to identify laws, regulations, and state standards that impact at-risk communities and categorize barriers to at-risk communities from accessing reliable and affordable energy. The bill would also force the Office of Management and Budget (OMB) to review energy related regulations to

determine if any of the rules substantially burden at-risk communities. GAO and OMB would be required to issue a joint report to Congress on their findings along with recommendations on how to reduce energy poverty in at-risk communities and steps each agency can carryout to increase energy access to at-risk communities.

The bill would also require the Congressional Budget Office (CBO) to include in any energy related bill or resolution an estimate of how the bill or resolution will affect the cost of energy for at-risk communities. If enacted, the Biden administration and future administrations would be forced to: conduct a study prior to issuing a withdrawal of federal lands, taking action to delay or deny energy leases or permits, or declaring a moratorium on energy production that demonstrates the action in question will not increase energy poverty. These reports would be published on the agency's website and would also be submitted to Congress for transparency. Additionally, an energy project sponsor could request that an agency conduct a study on how the project in question would create jobs and reduce energy prices in at-risk communities. Lastly, the bill would require that all agencies include an "Energy Poverty Statement" on the first page of each rulemaking, statement of policy, or guidance document detailing how the action will not increase energy poverty in at-risk communities.

An Amendment in the Nature of a Substitute (ANS) is expected for this bill. H.R. 5482 is expected to move by regular order.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). The bill has 18 Republican co-sponsors, found [here](#).

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**H.R. 6474 (Rep. Steel), To amend the Energy Policy Act of 2005 to expedite geothermal exploration and development in previously studied or developed areas.**

Duplicative leasing and permitting process for geothermal development results in timelines longer than many other energy projects.<sup>1</sup> H.R. 6474 would expedite geothermal development by amending the Energy Policy Act of 2005 (EPAct)<sup>2</sup> to allow for a new categorical exclusion (CE) under the National Environmental Policy Act (NEPA) of 1969 for geothermal energy. Section 390 of EPAct granted five different CEs to expedite the development of oil and gas projects when a well has already been spud on certain land, or where a field has been developed and an approved land use plan or any environmental document pursuant to NEPA found that drilling is a reasonably foreseeable activity.<sup>3</sup> The bill would grant a CE for geothermal drilling in instances where drilling has occurred within the last 5 years or drilling will occur within an area for which an approved environmental document, that considered drilling, was completed pursuant to NEPA within the last 5 years. By adding geothermal energy

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<sup>1</sup> Congressional Research Service, *Enhanced Geothermal Systems: Introduction and Issues for Congress*, (Sept. 29, 2022), <https://crsreports.congress.gov/product/pdf/R/R47256>.

<sup>2</sup> Pub. L. No. 109-58.

<sup>3</sup> *Id.*

development to Section 390, this bill would expedite the approval process for certain geothermal projects.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). The bill is bipartisan and has 1 Democrat co-sponsor, found [here](#).

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**[H.R. 1246](#) (Rep. Hageman), To authorize leases for up to 99 years for land held in trust for federally recognized Indian Tribes.**

H.R. 1246 would amend the Long-Term Leasing Act<sup>4</sup> (LTLA) to authorize any federally recognized Indian tribe to lease land held in trust for the benefit of the tribe for up to 99 years, subject to approval of the Secretary of the Interior.

In 1834, with the enactment of the Non-Intercourse Act,<sup>5</sup> land transactions with Indians were prohibited unless authorized by Congress. Over time, such restrictions came to apply primarily to lands held in trust by the United States for the benefit of individual Indians or Indian tribes, and to lands where the land title was subject to a restriction against alienation.

In 1955, Congress passed the LTLA, which generally authorizes any Indian lands held in trust or subject to a restriction against alienation, to be leased by the Indian owner for non-grazing purposes, subject to the approval of the Secretary of the Interior, for up to 25 years.<sup>6</sup> The original 1955 Act also specified that non-grazing leases may be renewed up to one additional term of 25 years, for a total of 50 years.<sup>7</sup>

Lease authority up to 99 years is often needed for long-term commercial leases and for some financing contracts. Ensuring tribes can negotiate effectively, and on the same playing field as other landholders, can clear the way for further economic development, especially in rural or extra rural areas. Congress has amended the LTLA more than 50 times to adjust the terms and conditions of leases of Indian lands, and to authorize specific Indian land or tribes to lease land for a term of up to 99 years, subject to approval of the Secretary of the Interior. Most recently, the LTLA was amended to provide additional leasing authority for the Confederated Tribes of the Chehalis Reservation,<sup>8</sup> the Navajo Nation,<sup>9</sup> and the Pueblo of Santa Clara<sup>10</sup> for terms up to 99 years. By proactively extending this authority to all federally recognized tribes, economic development plans can proceed on a more expedited path.

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<sup>4</sup> 25 U.S.C. § 415.

<sup>5</sup> 25 U.S.C. § 177

<sup>6</sup> Pub. L. No. 255. Ch. 615, Sec. 1, 69 Stat. 539.

<sup>7</sup> *Id.*

<sup>8</sup> Pub. L. No. 117-346.

<sup>9</sup> Pub. L. No. 115-325.

<sup>10</sup> Pub. L. No. 115-227.

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

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**H.R. 5874 (Rep. Ciscomani), “*Transboundary Aquifer Assessment Program Act*” or the “*TAAP Act*”**

As introduced, H.R. 5874 would reauthorize appropriations for the United States-Mexico Transboundary Aquifer Assessment Act<sup>11</sup> through 2035. In addition, the bill would add Arizona to the list of states that the Secretary of the Interior may evaluate and designate additional priority transboundary aquifers.

The United States-Mexico Transboundary Aquifer Assessment Act was signed into law by President George W. Bush on December 22, 2006. The primary goal was to develop a program to assess priority aquifers along the U.S.-Mexico border. Since the passage of the bill, the U.S. Geological Survey (USGS) created a program called the Transboundary Aquifer Assessment Program (TAAP), which collects data on groundwater quality and quantity along the U.S.-Mexico border, designates priority aquifers in that region, and monitors the health of these aquifers over time.

According to USGS, the agency spends \$1 million annually on the program, while receiving no reimbursable funding from other agencies or partners. TAAP currently has several studies ongoing related to geological and hydrogeological activity in priority aquifers and water quality in these aquifers.<sup>12</sup> There are four priority aquifers currently designated by the program: the Santa Cruz and San Pedro aquifers in Southern Arizona, and the Mesilla and Hueco Bolson Aquifers located in the greater El Paso area in Texas and New Mexico.<sup>13</sup> An amendment to the legislation will shorten the authorization from ten years to seven, as required by House floor protocols.

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

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**H.R. 6443 (Rep. Issa), “*Jamul Indian Village Land Transfer Act*”**

H.R. 6443 would place approximately 172.1 acres of land in San Diego County, California in trust for the benefit of the Jamul Indian Village of California. This land is currently owned in fee simple by the Jamul Indian Village. One parcel containing the tribe’s cemetery was donated by the Roman Catholic Diocese of San Diego on August 31, 2017.<sup>14</sup>

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<sup>11</sup> [Pub. L. No. 109-448](#).

<sup>12</sup> “Transboundary Aquifer Assessment Program.” Studies. [TAAP \(usgs.gov\)](#)

<sup>13</sup> “Transboundary Aquifer Assessment Program.” Priority Aquifers. [TAAP \(usgs.gov\)](#)

<sup>14</sup> <https://interactive.cbs8.com/pdfs/2017-Recorded-Trust-Deed-Jamul-Indian-Village.pdf>.

The Jamul Indian Village of California is part of the Kumeyaay people of southern California, also known as the Mission Indians. The tribe traces their history in the area back 12,000 years, however it achieved federal recognition in 1981.<sup>15</sup> Since 1981, the tribe has slowly acquired a land base for itself. The San Diego Diocesan Office of Apostolic Ministry deeded approximately 2.34 acres of land to the tribe in 1912 and the Daley Corporation deeded approximately 4 acres to the tribe in 1978, creating the approximately 6.04 acres of the tribe's reservation.<sup>16</sup>

The tribe has submitted fee-to-trust applications for the parcels identified in this legislation, including one submitted in August 2015, that have not yet been finalized by the Department of the Interior.<sup>17</sup> This bill would place the parcels into trust legislatively rather than continuing through the Bureau of Indian Affairs' administrative process.<sup>18</sup> This bill would also prohibit any Class II or Class III gaming under the Indian Gaming Regulatory Act<sup>19</sup> on the parcels taken into trust.

According to the tribe, they intend to build housing for tribal members to bring members living outside the area back to the community, develop non-gaming economic development projects, and create tribal community spaces for continuation of the tribe's cultural traditions. Parcel three contains the only road leading to the current reservation, the tribal cemetery, and the tribe's currently operating casino. Ensuring continued access, by placing the road and surrounding lands into trust, is very important to the tribe.<sup>20</sup>

A map of the four parcels this legislation would place into trust, can be viewed [here](#).

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

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### **[H.R. 6492](#) (Rep. Westerman), “*EXPLORE Act*”**

Federal lands offer an abundance of outdoor recreation opportunities including hiking, biking, rock climbing, camping, kayaking, canoeing, skiing, hunting, fishing, and recreational shooting, among many more. More Americans than ever are choosing to recreate outdoors at national parks and public lands and the major federal land management agencies saw over 580 million visitors last year.<sup>21</sup> Outdoor recreation on public lands helps fuel the \$1.1 trillion outdoor

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<sup>15</sup> U.S. Department of the Interior. Bureau of Indian Affairs Office of Government Services.

[https://www.supremecourt.gov/DocketPDF/20/20-1559/178651/20210511093611330\\_Jamul%20Appx2.pdf](https://www.supremecourt.gov/DocketPDF/20/20-1559/178651/20210511093611330_Jamul%20Appx2.pdf)

<sup>16</sup> “Jamul”, Tiller's Guide to Indian Country, Veronica E. Velarde Tiller (2015).

<sup>17</sup> Meeting between Jamul Indian Village and HNR Staff, 11.28.2023.

<sup>18</sup> 25 CFR 151. <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-H/part-151>.

<sup>19</sup> 25 USC 2701 et seq.

<sup>20</sup> Meeting between Jamul Indian Village and HNR Staff, 11.28.2023.

<sup>21</sup> National Park Service, Visitation Numbers, <https://www.nps.gov/aboutus/visitation-numbers.htm>. U.S. Fish and Wildlife Service, Data Shared with Committee Staff, March 17, 2023. Bureau of Land Management, Public Land Statistics 2021, June 2022, <https://www.blm.gov/sites/default/files/docs/2022->

recreation economy.<sup>22</sup> According to new data released in November 2023 by the U.S. Bureau of Economic Analysis, the outdoor recreation economy accounts for \$563.7 billion, or 2.2 percent of gross domestic product (GDP), and supports nearly 5 million jobs.<sup>23</sup> At the local level, outdoor recreation generates \$59.2 billion in state and local tax revenue annually.<sup>24</sup> Last year, visitors to national parks generated a record high of \$50.3 billion in economic benefits and spent an estimated \$23.9 billion in gateway communities.<sup>25</sup>

To unleash the full potential of outdoor recreation on our public lands, Chairman Westerman (R-AR) and Ranking Member Grijalva (D-AZ) introduced the bipartisan and bicameral “Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act” during the week of November 27, 2023.<sup>26</sup> Title I of the EXPLORE Act focuses on expanding and improving outdoor recreation opportunities and infrastructure to sustain and support the outdoor recreation economy. The title does this by incentivizing the creation of new long-distance bike trails, protecting rock climbing in wilderness areas, restoring and modernizing campgrounds, expanding the use of broadband and other technologies, and addressing other needs in gateway communities. Title II, Access America, creates new outdoor recreation opportunities for military servicemembers, veterans, Gold Star Families, individuals with disabilities, and young people. The title includes provisions creating new accessible trails, developing a new national strategy to enhance military recreation, and reauthorizing the Every Kid Outdoors program. Finally, Title III of the EXPLORE Act simplifies the permitting process for outfitters and guides. The EXPLORE Act would streamline the permitting process, reduce bureaucracy between agencies for multijurisdictional trips, and increase flexibility in existing permits for outfitters and guides. The bill has 38 cosponsors, including Chairman Westerman and Ranking Member Grijalva, evenly divided between Republicans and Democrats.

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

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### **[H.R. 2950](#) (Rep. Huffman), “*Coastal Habitat Conservation Act of 2023*”**

H.R. 2950 would authorize the U.S. Fish and Wildlife Service’s Coastal Program, which is a voluntary, partnership-based program administratively created in 1984 to provide technical and financial assistance for habitat conservation in coastal watersheds. Actions by the Coastal

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[07/Public\\_Land\\_Statistics\\_2021\\_508.pdf](#). United States Forest Service, National Visitor Use Monitoring Survey Results National Summary Report, September 2023, <https://www.fs.usda.gov/sites/default/files/2022-National-Visitor-Use-Monitoring-Summary-Report.pdf>.

<sup>22</sup> Bureau of Economic Analysis, “Outdoor Recreation Satellite Account, U.S. and States, 2022, November 17, 2023, <https://www.bea.gov/sites/default/files/2023-11/orsa1123.pdf>.

<sup>23</sup> *Id.*

<sup>24</sup> Outdoor Industry Association, “The Outdoor Recreation Economy,” [https://outdoorindustry.org/wp-content/uploads/2017/04/OIA\\_RecEconomy\\_FINAL\\_Single.pdf](https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf).

<sup>25</sup> 2022 National Park Visitor Spending Effects, National Park Service, Accessed August 29, 2023, [https://www.nps.gov/nature/customcf/NPS\\_Data\\_Visualization/docs/NPS\\_2022\\_Visitor\\_Spending\\_Effects.pdf](https://www.nps.gov/nature/customcf/NPS_Data_Visualization/docs/NPS_2022_Visitor_Spending_Effects.pdf).

<sup>26</sup> Senate Energy and Natural Resources Committee Chairman Manchin (D-WV) and Ranking Member Barrasso (R-WY) introduced sister legislation earlier this year. S. 873 (Manchin/Barrasso), “America’s Outdoor Recreation Act of 2023,” <https://www.congress.gov/bill/118th-congress/senate-bill/873>.

Program are guided by a 5-year national strategic plan, and the current plan runs until 2026.<sup>27</sup> The Coastal Program has never been formally authorized by Congress, and legislation would increase Congressional oversight and direction of the Coastal Program.

In Fiscal Year (FY) 2023, the Coastal Program received \$20.357 million in total funding, of that \$13.957 million came from base appropriations, \$3.4 million came from the Infrastructure Investment and Jobs Act (IIJA) Fire Funding, \$2 million from appropriated funds to the Great Lakes Restoration Initiative, and \$1 million from appropriated funds to the Gulf Restoration Funds. The ANS, offered by Rep. Huffman, would authorize the Coastal Program at \$16.957 million per FY from FY 2024 through FY 2028. In addition, the ANS modifies the definition of “federal trust species” by removing “any other species of concern, as determined by the Secretary” from the definition.

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

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### **H.R. 5770 (Rep. Neguse), “*Water Data Improvement Act*”**

The water division under the U.S. Geological Survey (USGS) is charged with monitoring, assessing, conducting targeted research, and delivering information on water resources and conditions. H.R. 5770 reauthorizes the Federal Priority Streamgauge (FPS) Program, the National Groundwater Resources Monitoring Program, and the Next Generation Water Observing System administered by the USGS through FY 2028 at existing funding levels.

The ANS, offered by Rep. Neguse, would incorporate edits suggested by USGS. These changes include adding Tribes as one of the entities with which the USGS can coordinate and partner. The ANS also adds “precipitation” to the types of sensors that can be included at FPS sites. This was identified as the highest need from a 2022 Federal users survey. At the recommendation of USGS, the language authorizing a brackish groundwater assessment is removed as the assessment was completed in 2017 with the publication of the report titled [Brackish Groundwater in the United States](#). Lastly, the authorization of appropriations for the National Groundwater Resources Monitoring Program is amended to remove the “such sums” authorization and reflect the current funding level of \$4 million per fiscal year.

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

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### **III. CBO SCORES**

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<sup>27</sup> U.S. Fish and Wildlife Service, *FY 2024 Fish and Wildlife Service Budget Justifications*, (2023) at Page HC-7, <https://www.fws.gov/sites/default/files/documents/fy2024-fws-greenbook.pdf-508.pdf>.

**None available.**

**IV. EFFECT ON CURRENT LAW (RAMSEYER)**

**[H.R. 6474](#)**

**[H.R. 1246](#)**

**[H.R. 5874](#)**

**[H.R. 6492](#)**

**[H.R. 5770](#)**