



HOUSE COMMITTEE ON
NATURAL RESOURCES
RANKING MEMBER BRUCE WESTERMAN

SUBTITLE A – NATIVE AMERICAN AND NATIVE HAWAIIAN AFFAIRS

Section 70101 and 70102. Tribal and Native Hawaiian Climate Resilience. This section would add nearly half a billion dollars to an already bloated Bureau of Indian Affairs' (BIA) Climate Resilience program, an amount that will be one-quarter of the FY21 BIA discretionary budget. There is little available information as to how these expenditures would benefit Indian country beyond nebulous "planning" for a changing environment. With the current need in Indian country for adequate healthcare and public safety and justice facilities, this is a missed opportunity.

Section 70105. Native American Consultation Resource Center. This section provides \$33 million to the Secretary of the Interior to establish and administer a Native American Consultation Resource Center to support federal consultation and coordination for projects that impact Indian Tribes and Native Hawaiians. While there is strong bipartisan support for consultation activities with tribal nations, there is little information as to what or how this additional \$33 million provided in the reconciliation legislation would augment the \$10.8 million annual appropriations the BIA already receives to engage in tribal consultation.

SUBTITLE B – NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Sections 70206 and 70601 – NOAA and DOI “Efficient and Effective Reviews.” Rather than reforming and streamlining their review processes, these titles throw more taxpayer money towards ineffective and cumbersome procedures and bureaucracy. The 2% overhead limitation on many provisions have been removed.

SUBTITLE C – UNITED STATES FISH AND WILDLIFE SERVICE

Sections 70301-70305. Endangered Species Act and related funding. These provisions throw more taxpayer funding towards the unworkable ESA. These provisions do nothing but continue the problems associated with the current ESA and do not incentivize proactive conservation through candidate conservation agreements. Republican language adopted in committee that allocated funding for candidate conservation agreements has been eliminated.

SUBTITLE G – PUBLIC LANDS



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Section 70701. National Parks and Public Lands Conservation and Resilience. This section provides \$1.25 billion for “conservation, protection, and resiliency” of lands administered by the National Park

Service (NPS) and Bureau of Land Management (BLM). This could unquestionably be used to lock up even more land through acquisitions, as there are no requirements to conduct scientific land management projects, hazardous fuels reduction, or responsible restoration.

Section 70702. National Parks and Public Lands Conservation and Ecosystem Restoration. This section wastes \$750 million to carry out vague “conservation, ecosystem and habitat restoration projects” at the Department of the Interior (DOI). This section does not include any reforms for the Endangered Species Act, which is in desperate need of modernization. Additionally, the Majority changed this title to add “conservation” in an attempt to make this preservationist slush fund seem more innocuous.

Section 70703. Lands Projects Slush Fund. This section provides \$500 million for a vaguely defined “conservation... resiliency or restoration projects” slush fund. What was once referred to as the Civilian Climate Corps has been rebranded for an outstanding fourth time to remove all references to civilians, the climate, or corps programs. What remains is a duplicative and unnecessary slush fund intended to obfuscate the actual intent of this provision: to create a make-work program that will drain workers from private sector employers desperately struggling to fill existing jobs.

Section 70704. Wildfire Management. This section provides \$500 million for DOI “wildland fire management” without proposing any new tools to actually help complete that management on an expedited timeline. Only a small portion of this money will actually go where it’s most needed: towards hazardous fuel reduction projects conducted via thinning and prescribed burning. Furthermore, this section further handcuffs wildfire mitigation by only allowing hazardous fuels projects within the wildland-urban interface.

Section 70705. National Park Service Deferred Maintenance and Department of the Interior Housing. This section provides \$400 million in additional funding for NPS deferred maintenance projects and to provide housing for NPS, BLM, and corps participants. The Great American Outdoors Act provided the land management agencies \$1.9 billion annually *just last year*, making this provision confusing and wholly unnecessary.

Section 70706. Urban Parks. This section provides \$100 million in additional funding for urban parks. Grants for urban parks have typically been funded through the Land and Water Conservation Fund. This



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is yet another example of wasteful Democratic spending on well-funded programs instead of using funds to better maintain our federal lands.

Section 70707. Historic Preservation. This section provides \$25 million in additional funding for historic preservation, which is already well funded through the Historic Preservation Fund. This is

wasteful and duplicative spending, as the Historic Preservation fund current receives \$150 million per year and nearly the full amount, \$144 million, was appropriated in FY21.

Section 70708. National Heritage Areas. This section provides \$50 million in additional funding for National Heritage Areas. National Heritage Areas are already well-funded through the regular appropriations process. This provision is unnecessary and wasteful.

Section 70709. Withdrawals. This section would harm American energy and mineral security by locking up lands currently open for energy production, thus making us more reliant on hostile, heavily polluting foreign nations. The section provides \$10 million for these withdrawals, although it does not include language specifying which acreage should be withdrawn. Withdrawals included in the text reported out of Committee are not included in the Rules Committee print, namely the Grand Canyon, Oak Flat, and Chaco Canyon withdrawals.

Section 70710. National Park Service Employees. This entirely new section, which was added in the most recent Rules Committee print, provides \$500 million to hire National Park Service employees. This out of touch provision would create competition with private sector employers, who are struggling to fill existing vacancies.

SUBTITLE H – DROUGHT RESPONSE AND PREPAREDNESS

Section 70801. Bureau of Reclamation Potable Water Supply Projects. This provision has been completely rewritten from the committee reconciliation and revised multiple times through the Rules Committee process. This section changes this provision again to only apply for domestic water supply for “disadvantaged communities.” The original provision was drafted more broadly to address the effects of drought for Reclamation projects. The EPA has a grant program to help disadvantaged communities with drinking water needs. In addition, the larger Subtitle H ignores the long-term need for new water storage projects, which are proven drought-relief projects.

SUBTITLE I – INSULAR AFFAIRS



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Section 70901. Insular Affairs Critical Infrastructure Funding. This section provides \$1 billion for the DOI's Office of Insular Affairs (OIA) capital infrastructure account. While the intent of this program is to allocate \$1 billion throughout the U.S. territories for healthcare infrastructure, this provision is problematic because capital infrastructure programs can include broad infrastructure projects that are not limited to healthcare. Without appropriate legislative direction and oversight, this program has the potential to become a slush fund for whatever DOI chooses.

Section 70902. Office of Insular Affairs Climate Change Technical Assistance. This provision was included as Title II in H.R. 2780, the Insular Area Climate Change Act. The FY21 enacted level for the OIA technical assistance program was \$21.8 million. In FY20, OIA received approximately \$66 million in grant requests. While the program supports urgent response for needs such as healthcare, education, public safety, energy, and transportation, it is unclear why additional funds are needed or how this additional \$30 million will increase quality of life in the insular areas.

SUBTITLE J – OFFSHORE WIND

Section 71001. Renewable Energy Leasing on the Outer Continental Shelf. This section exempts wind energy from the Trump-era energy leasing moratorium offshore Florida, Georgia, and the Carolinas and directs DOI to grant leases in these areas. Republicans maintain that offshore acreage should be open for all energy development, including oil and gas, not just wind.

Section 71002. Offshore Wind for the Territories. This section authorizes wind leasing in the territories. However, this text does not include the provisions in H.R. 1689 that would establish a revenue sharing mechanism, which Republicans support.

SUBTITLE K – HARDROCK MINING RECLAMATION

Section 71101. Hardrock Mining. Provides \$3 million to revise rules and regulations to prevent “undue degradation of public lands due to hardrock mining activities.” These funds will likely be used to implement onerous and duplicative regulations on hardrock mining activities.

SUBTITLE L – ARCTIC NATIONAL WILDLIFE REFUGE

Section 71201. Repeal of the Arctic National Wildlife Refuge Oil and Gas Program. This section repeals section 20001 of the 2017 Tax Act (P.L. 115-97), which established the Arctic National Wildlife Refuge (ANWR) oil and gas leasing program, cancels the leases sold in January 2021, and returns the payments to the lessees. This eliminates language that was agreed upon during the 116th Congress. A



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lease sale has already occurred and the Alaska delegation supports leasing in the 1002 area of the ANWR.

SUBTITLE M – OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Section 71301. Protection of the Eastern Gulf, Atlantic, and Pacific Coasts. This section permanently bans new offshore oil and gas leasing along the entire Atlantic and Pacific coasts and in the Eastern Gulf of Mexico. This jeopardizes long-term energy security by making offshore acreage permanently off limits.

SUBTITLE N – FOSSIL FUEL RESOURCES

Subtitle N: All of the provisions in this subtitle would increase royalties and fees and establish new fees on onshore and offshore oil and gas production will disincentivize investment on federal lands and waters, reducing overall domestic production, raising energy prices, and resulting in thousands of lost jobs.

Section 71401. Onshore Fossil Fuel Royalty Rates. This section raises the onshore royalty rates to 18.75% for all new oil, gas, and coal leases.

Section 71402. Offshore Oil and Gas Royalty Rate. This section raises the minimum offshore royalty rate to 14% for all new oil and gas leases.

Section 71403. Oil and Gas Minimum Bid. This section raises the current onshore oil and gas minimum bid from \$2 to \$10 and requires it to be indexed to inflation.

Section 71404. Deferred Coal Bonus Payments. This section repeals the requirement that the BLM offers at least 50% of total acreage for coal leasing in any one year under a deferred bonus payment system.



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Section 71405. Fossil Fuel Rental Rates. This section raises the onshore rental rate for oil and gas leases from their current values of \$1.50 for the first five years and \$2 for the second five years, to \$3 for the first two years and \$5 in each subsequent year.

Section 71406. Fossil Fuel Lease Term Length. This section shortens the primary onshore oil and gas lease term from ten to five years and the primary coal lease term from twenty to ten years. It is nearly impossible to develop a lease in this short amount of time and will discourage operators from seeking federal leases.

Section 71407. Expression of Interest Fee. This section requires DOI to charge a fee to nominate parcels of lease of at least \$15 per acre and not more than \$50 per acre, adjusted to reflect inflation.

Section 71408. Elimination of Noncompetitive Leasing. This section prohibits noncompetitive oil and gas leasing on public lands.

Section 71409. Oil and Gas Bonding Requirements. This section directs DOI to publish a final rule that raises bonding requirements for oil and gas leaseholders on public land.

Section 71410. Per-Acre Lease Fees. This section establishes a \$4 per-acre per-year Conservation of Resources Fee for all new producing onshore and offshore oil and gas leases and establishes a \$6 per-acre per-year Speculative Leasing Fee for all new nonproducing onshore and offshore oil and gas leases.

Section 71411. Offshore Oil and Gas Inspection Fees. This section raises inspection fees for offshore operators.

Section 71412. Onshore Oil and Gas Inspection Fees. This section establishes inspection fees for onshore operators.

Section 71413. Severance Fees. This section requires the Secretary of the Interior to collect annual, non-refundable fees on fossil fuels produced from federal lands and the Outer Continental Shelf in amounts of \$0.50 per barrel of oil equivalent on oil and gas production and \$2 per metric ton on coal production.

Section 71414. Idled Well Fees. This section requires oil and gas operators to pay an annual fee for idled wells on federal land starting at \$500 for wells idle between one and five years and ending at \$7,500 for wells idle at least 15 years.



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Section 71415. Annual Pipeline Owners Fee. This section establishes an offshore oil and gas pipelines annual fees of \$10,000 per mile for pipelines in water depths of 500 feet or greater and \$1,000 per mile for pipelines in water depths less than 500 feet.

Section 71416. Royalties on All Extracted Methane. This section requires that royalties be assessed on all gas produced, including gas used within an operation on a lease and gas consumed or lost through venting and flaring with an exemption for emergencies within a 48-hour period.

Section 71417. Elimination of Royalty Relief. This section repeals the royalty relief authority provided to DOI for operations on federal lands and waters.

MISSING FROM THE BILL

OIG Funding to Ensure Oversight and Accountability of Expenditures. During the Natural Resources Committee's September 9th markup, the Democrats conceded their initial inattention to allocating any additional resources for oversight and accountability for billions of dollars in spending, and agreed to accept by unanimous consent a Republican amendment offered by Ranking Member Westerman to address Democrats' shortsightedness. The amendment set aside one half of one percent of the amounts made available in the Act for oversight and accountability of the expenditure of funds. The text provided by Natural Resources Committee Democrats appears to be void of including any additional funding resources for the Office of the Inspector General to conduct the oversight and accountability this spending spree will demand. Not only are Democrats freely spending taxpayer dollars, but they are also ignoring the efficacy or efficiency of those dollars.

2% Limit on Overhead for Water Provisions. The 2% overhead limitation on many water provisions has been removed. The provisions were the result of a Republican amendment that was adopted at markup.

Hardrock Mining Royalties. The new royalty rates for hardrock mining originally included in Democrat reconciliation legislation reported out of House Natural Resources Committee and in the Rules Committee print published on October 28, 2021, and which was strongly opposed by Committee Republicans, were not included in a revised version of reconciliation legislation published on November 3, 2021, by the Rules Committee. During the House Natural Resources Committee mark up in September 2021, Rep. Stauber (R-MN) offered an amendment to strike this provision from the bill.



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