

RIGHT-OF-WAY APPLICATION TRANSPARENCY AND
ACCOUNTABILITY ACT

MARCH 12, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 6011]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6011) to direct the Secretary of the Interior and the Secretary of Agriculture to notify applicants of the completion status of right-of-way applications under section 501 of the Federal Land Policy and Management Act of 1976 and section 28 of the Mineral Leasing Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Right-Of-Way Application Transparency and Accountability Act” or the “ROWATA Act”.

SEC. 2. DETERMINATION REGARDING RIGHTS-OF-WAY.

(a) NOTICE.—Not later than 90 days after the Secretary concerned receives an application to grant a right-of-way, the Secretary concerned shall—

- (1) notify the applicant as to whether the application is complete; or
- (2) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

(b) DEFINITIONS.—In this Act:

- (1) RIGHT-OF-WAY.—The term “right-of-way” means—
 - (A) a right-of-way issued, granted, or renewed under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761); or
 - (B) a right-of-way granted under section 28 of the Mineral Leasing Act (30 U.S.C. 185).

- (2) SECRETARY CONCERNED.—The term “Secretary concerned” means—
 - (A) with respect to public lands, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 6011 is to direct the Secretary of the Interior and the Secretary of Agriculture to notify applicants of the completion status of right-of-way applications under section 501 of the Federal Land Policy and Management Act of 1976 and section 28 of the Mineral Leasing Act.

BACKGROUND AND NEED FOR LEGISLATION

Title 5 of the Federal Land Policy Management Act¹ authorizes the Secretary of the Interior and the Secretary of Agriculture to grant rights-of-way (ROW) on federal lands for several activities that cause land disturbance. Additionally, the Mineral Leasing Act of 1920² allows the respective Secretaries to issue ROW for oil, natural gas, and refined product pipelines over federal lands. Both statutes include application requirements, but neither includes timelines for the agencies to respond to applicants to let them know whether their application is complete or deficient. This has created a bottleneck in the permitting process for different kinds of energy projects that need a ROW to move forward.

The “Right of Way Application Transparency and Accountability Act” would require agencies to notify applicants if their right-of-way application is complete or deficient within 90 days. If the application is deficient, the agencies would be required to specify what information is missing and required for the application to be deemed complete. This will allow complete applications to move forward while providing certainty to those with incomplete applications so that they can fix and resubmit their applications.

COMMITTEE ACTION

H.R. 6011 was introduced on October 20, 2023, by Rep. David G. Valadao (R–CA). The bill was referred to the Committee on Natural Resources. The bill was also referred to the Committee on Agriculture. On October 25, 2023, the Subcommittee on Energy and Mineral Resources held a hearing on the bill. On December 6, 2023, the Committee on Natural Resources met to consider the bill. Representative Pete Stauber (R–MN) offered an Amendment in the Nature of a Substitute designated Stauber___036 ANS. The amendment was adopted by unanimous consent. H.R. 6011, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Energy and Mineral Resources held on October 25, 2023.

¹43 U.S.C. § 1761 et seq.

²30 U.S.C. § 185.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 designates the bill as the “Right-Of-Way Application Transparency and Accountability Act” or the “ROWATA Act.”

Section 2. Determination regarding rights-of-way

Section 2 requires the respective Secretary to notify the right-of-way applicant within 90 days as to whether the application is complete or is missing information. If the respective Secretary claims that information is missing, they must specify what information is required for the application to be complete.

Section 2 also includes a definition of “right-of-way,” which includes rights-of-way issued under section 501 of the Federal Land Policy and Management Act or section 28 of the Mineral Leasing Act. There is also a definition of “Secretary concerned,” which includes the Secretary of the Interior for public lands and the Secretary of Agriculture for National Forest System lands.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 6011, ROWATA Act			
As ordered reported by the House Committee on Natural Resources on December 6, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate? No	
		Contains private-sector mandate? No	

* = between zero and \$500,000.

H.R. 6011 would direct the Departments of Agriculture and the Interior to notify applicants for rights-of-way on federal land

whether their application is complete or missing information within 90 days of submission.

Under current law, there is no required timeframe for the agencies to notify those applicants about whether their application is complete or deficient. However, according to the agencies, they both aim to make such notifications within 60 days of an application's submission.

Because H.R. 6011 would largely codify the agencies' current timelines, CBO estimates that any administrative costs to implement the bill would total less than \$500,000 over the 2024–2029 period. Any spending would be subject to availability of appropriated funds.

The CBO staff contact for this estimate is Kelly Durand. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,

Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretary of the Interior and the Secretary of Agriculture to notify applicants of the completion status of right-of-way applications under section 501 of the Federal Land Policy and Management Act of 1976 and section 28 of the Mineral Leasing Act.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 6011 contains no unfunded mandates as defined in the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 6011 makes no changes in existing law.

COMMITTEE CORRESPONDENCE

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March 7, 2024

The Honorable Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

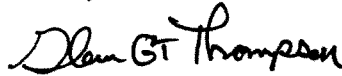
Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 6011, the "Right-Of-Way Application Transparency and Accountability Act". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 6011 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,


Glenn "GT" Thompson
ChairmanCc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Mike Johnson, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of RepresentativesDAVID SCOTT, GEORGIA
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Washington, DC 20515

RAÚL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

LORA SNYDER
DEMOCRAT STAFF DIRECTOR

March 7, 2024

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 6011, the "Right-Of-Way Application Transparency and Accountability Act," which was ordered reported by the Committee on Natural Resources on December 6, 2023.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo any further consideration of this bill. I acknowledge that the Committee on Agriculture will not formally consider H.R. 6011 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker of the House
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

