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H.R. 1492 – Medical Controlled Substances Transportation Act (Sessions, R-TX)

CONTACT: [Amanda Lincoln](#), 202-226-2076

FLOOR SCHEDULE:

Expected to be considered July 11 under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1492](#) would allow medical practitioners to be registered with the Drug Enforcement Administration (DEA) to transport and administer controlled substances at out-of-state locations other than their professional practice or place of business.

COST:

No Congressional Budget Office (CBO) estimate is available at this time.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Medical practitioners must register with the DEA in order to dispense controlled substances, and are required to obtain separate registrations for each principal place of business or professional practice where they might dispense controlled substances. These and other current-law requirements are intended to ensure a closed distribution system for controlled substances.

H.R. 1492 would establish a new registration process under the Controlled Substances Act to allow medical practitioners (excluding pharmacies) to: (1) transport one or more controlled substances from a registered location to one or more states in which the practitioner is not registered; and, (2) administer the controlled substances at locations other than a principal place of business or professional practice. The committee report indicates that this new flexibility would benefit “registered practitioners with inherently mobile practices, such as emergency medical services personnel traveling to a disaster area,” although practitioners could exercise the ability to transport and administer controlled substances outside of a disaster relief scenario. Some conservatives may have concerns about increased opportunities for drug diversion resulting from an increase in interstate transportation of controlled substances, however, the separate registration process may also improve DEA’s ability to exercise oversight of such transfers while also facilitating better access to necessary medications in exigent circumstances.

In order to obtain the new registration, the practitioner would be required to be licensed, registered, or otherwise permitted to administer controlled substances at the location where it occurs. The time of transport and administration would not be allowed to exceed 72 consecutive hours, and after the 72 hour period expires, the practitioner would be required to return any controlled substance that was transported but not administered. The practitioner would also be required to maintain detailed records, including the location where controlled substances were administered and any other information deemed necessary by

the Attorney General. The DEA would maintain current law authority to deny or revoke a practitioner's registration or renewal of registration, and the registration would automatically terminate if the practitioner's registration were revoked, suspended, surrendered, or otherwise no longer active.

COMMITTEE ACTION:

This bill was introduced by Representative Sessions (R-TX) on March 10, 2017 and referred to the House Committee on Energy and Commerce and House Committee on Judiciary. The Energy and Commerce Committee reported the bill on June 23 by voice vote.

Read the committee report [here](#).

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several states, and with the Indian Tribes.

H.R. 702 — Federal Employee Antidiscrimination Act, as amended (Cummings, D-MD)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Expected to be considered on July 11, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 702](#) would strengthen Equal Employment Opportunity (EEO) protections for federal employees.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 702 would increase annual federal administrative costs by less than \$500,000, subject to the availability of appropriated funds. Direct spending by some agencies could be affected, so pay-as-you-go procedures would apply. However net changes in direct spending would be negligible. Revenues would not be affected and net direct spending or on-budget deficits would not increase in any of the four consecutive 10-year periods beginning in 2028.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Currently, federal EEO programs must identify and remove barriers to equal opportunity. Employees who believe they are victims of discrimination can bring a complaint to their agency's EEO program. Some have been concerned that a few federal agencies have not met the EEO program standards set forth by the Equal Employment Opportunity Commission (EEOC).

H.R. 702 amends the Notification and Federal Employee Antidiscrimination and Retaliation act ([5 U.S.C. 2301 note](#)). The bill would require that within 30 days of an agency taking final action or the EEOC issues a decision regarding discrimination or retaliation under this section, the agency must provide notice on the agency's website for one year. The notice must include the dates that the act occurred and the finding was made, the laws that were violated, and the rights of employees under this section. In addition, within 60 days the agency must submit to the EEOC a report detailing whether disciplinary action has been taken.

The bill would also require the annual congressional report be made available in an electronic format beginning one year after enactment, but may also be submitted electronically sooner.

Agencies are currently required to post on their websites summaries of equal employment opportunity complaints by current or former employees or applicants. Regarding discrimination, H.R. 702 would require that this information include the date of the finding, the agency that was affected, the law that was violated, and whether or not a disciplinary action was necessary. In addition, the agencies must include, for every class action complaint alleging discrimination or retaliation: (1) the date the complaint was filed; (2) a summary of the allegations; (3) the number of plaintiffs; (4) the status of the complaint; and, (5) the case number.

The bill would add a new section requiring each federal agency establish a tracking system that would allow the tracking of complains from inception to resolution. Should adverse action be been taken against an employee for discrimination or relation, this bill would require a notation be made on the employee's record, provided that all appeals processes have been exhausted.

The bill would add a new title requiring agencies establish an Equal Employment Opportunity Program that is not under the control of a human capital or general counsel office, is absent of conflicts of interest, and ensures efficient and fair resolution of discrimination or retaliation complaints. The head of the program must report directly to the head of the agency. The title also clarifies that an agency's human capital or general counsel office may provide advice or counsel to the agency regarding a complaint's resolution, including legal representation.

The new title also requires that should the EEOC find discrimination or retaliation, the matter must be referred to the Office of Special Counsel (OSC) within 30 days. OSC must, in turn, notify the EEOC should disciplinary action be initiated.

Finally, the bill amends the statement required on nondisclosure agreements under [5 U.S.C. 2302\(b\)](#) to prohibit non-disclosure agreements that bar an employee from notifying Congress, OSC or the Office of the Inspector General about violations of fraud, abuse, or waste.

The House Report accompanying H.R. 954 (H.R. 115-79) can be found [here](#).

H.R. 954 contains similar language to H.R. 1557, which passed the House in the 114th Congress by a vote of [403-0](#) on July 21, 2015. The RSC's legislative bulletin for H.R. 1557 can be found [here](#).

COMMITTEE ACTION:

This bill was introduced on January 27, 2017 and referred to the House Committee on Oversight and Government Reform. A mark-up was held and the bill was reported by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: "Article 1, Section 8: The Congress shall have Power to.... provide for the common Defence and general Welfare of the United States". No specific enumerating clause was cited.

H.R. 1988 — To designate the facility of the United States Postal Service located at 1730 18th Street in Bakersfield, California, as the Merle Haggard Post Office Building (McCarthy, R-CA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1988](#) would designate the U.S. Postal Service facility located at 1730 18th Street in Bakersfield, California, as the "Merle Haggard Post Office Building".

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

There are no substantive concerns

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[Merle Haggard](#) was a singer songwriter born in California in 1937. When his father passed away from a stroke at age 9, Haggard was left in his great aunt and uncle's care while his mother worked. He spent the next several years in reform schools, as a result of truancy and petty crime. Haggard eventually turned to music, writing about his life at the direction of his idol, Johnny Cash. He taught himself to play the fiddle and guitar, and eventually signed with Capitol Records.

H.R. 1988 would designate the U.S. Postal Service facility located at 1730 18th Street in Bakersfield, California, as the "Merle Haggard Post Office Building".

COMMITTEE ACTION:

H.R. 1988 was introduced on April 6, 2017 where it was referred to the Committee on Oversight and Government Reform.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following:
"U.S. Constitution, Article 1, Section 8, Clause 7".

H.R. 954 — To remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes (Goodlatte, R-VA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 954](#) would strike and remove certain restrictions in the deed for a parcel of land that was conveyed by the National Park Service (NPS) to Rockingham County, Virginia.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would have no effect on the federal budget. Because enacting H.R. 2288 would not affect direct spending or revenues, pay-as-you-go procedures do not apply

CONSERVATIVE CONCERNS:

There are no substantive concerns

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 954 would remove restrictions stipulating that approximately 1-acre portion of the land conveyed to Rockingham County, Virginia could only be used for a public park and a child care center within existing building and structures.

H.R. 954 contains similar language to H.R. 2288, which passed the House in the 114th Congress by a vote of [407-0](#) on November 30, 2015. The RSC's legislative bulletin for H.R. 2288 can be found [here](#).

COMMITTEE ACTION:

H.R. 954 was introduced on February 7, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "The Property Clause of Article IV, Section 3--The Congress shall have Power to dispose of and make all needful rules and regulations respecting the Territory or other Property belonging to the United States."

H.R. 1397 — To authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land (Comstock, R-VA)

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1397](#) would transfer administrative jurisdiction of 0.342 acres of land within the George Washington Parkway and 0.479 acres within the Turner-Fairbank Highway Research Center that are currently under the jurisdiction of the Secretary of the Interior to the Secretary of Transportation.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1397 would transfer administrative jurisdiction of 0.342 acres of land within the George Washington Parkway and 0.479 acres within the Turner-Fairbank Highway Research Center to the Secretary of Transportation. The land is currently under the jurisdiction of the Secretary of the Interior.

The bill would prohibit using 0.139 acres of land adjacent to the research center for anything that would interfere with the research center's access to the land within the George Washington Parkway parcel, and the research center would be responsible for the maintenance of this land. The Secretary of the Interior would be required to allow for transportation to the research center and for maintenance purposes. The transfer would not be subject to reimbursement. The land would be administered by the Secretary of the Interior. Finally, the map must be made available in appropriate National Park Service offices for public inspection.

COMMITTEE ACTION:

H.R. 1397 was introduced on March 7, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "Article IV, Section 3, Clause 2 of the Constitution of the United States provides that "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States..." .

H.R. 1404 — Pascua Yaqui Tribe Land Conveyance Act (Grijalva, D-AZ)

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R.1404](#) would authorize exchanges of land and related interests among the [Pascua Yaqui Indian Tribe](#) in Pima County, Arizona, the Tucson Unified School District, and the federal government.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 1404 would have no significant effect on the federal budget. Based on information provided to CBO by the Department of the Interior, administrative costs would not exceed \$500,000 and would be subject to appropriation. The lands that are affected by the bill do not generate significant receipts and are not expected to over the next 10 years. CBO also estimated that proceeds to the federal government would total less than \$500,000, and would be recorded as offsetting receipts, so pay-as-you-go procedures would apply. Revenues would not be affected and net direct spending or on-budget deficits would not increase in any of the four consecutive 10-year periods beginning in 2028.

CONSERVATIVE CONCERNS:

There are no substantive concerns

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1404 would authorize a land conveyance from the Tucson Unified School District No. 1 to the federal government of approximately 39.65 acres, which would be held in trust for the Pascua Yaqui Tribe in Pima County, Arizona. The bill would further authorize the conveyance of approximately 13.24 acres of federal lands to the Tucson Unified School District No. 1 at fair market price. Finally, the bill would require the Secretary of the Interior to convey approximately 27.5 acres of additional land to the Tucson Unified School District No. 1, if the district submits to the Secretary of the Interior an offer to acquire the federal reversionary interest in the specified lands at fair market price.

The Pascua Yaqui Tribe would be prohibited from conducting gaming activities on lands taken into trust, either as a matter of claimed inherent authority, or under the authority of any federal law. The tribe would retain any right or claim to water under state law for any land taken into trust by the United States for the benefit of the tribe. The bill would clarify that any water rights that are appurtenant to land taken into trust by the United States for the benefit of the tribe under the bill may not be forfeited or abandoned.

H.R. 1404 contains identical language to H.R. 2009, which passed the House in the 114th Congress by voice vote on June 6, 2016. The RSC's legislative bulletin for H.R. 2288 can be found [here](#).

COMMITTEE ACTION:

H.R. 1404 was introduced on March 7, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following:
"U.S. Const. art. I, Sec. 8, cl. 3".

H.R. 1541 — To authorize the Secretary of the Interior to acquire certain property related to the Fort Scott National Historic Site in Fort Scott, Kansas (Jenkins, R-KS)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1541](#) would allow for the acquisition of the [Lunette Blaire blockhouse](#) to be included in the [Fort Scott National Historic Site](#).

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

There are no substantive concerns

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1541 would amend [Public Law 95-484](#). The bill would clarify that the Secretary of the Interior may only acquire land for the Fort Scott National Historic Site by donation only. In addition, the bill would remove the prohibition of the acquisition of the building known as “Lunette Blair”. The Fort Scott National Historic Site is located in Bourbon County, Kansas.

COMMITTEE ACTION:

H.R. 1541 was introduced on March 15, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill’s sponsor: Congress has the power to enact this legislation pursuant to the following: “The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the

power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

H.R. 1719 — John Muir National Historic Site Expansion Act (DeSaulnier, D-CA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1541](#) would allow the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, expanding the boundary of the [John Muir National Historic Site](#).

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1289 would not have a significant impact on the federal budget. Under the legislation, the additional acres could only be acquired through donation.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill would increase the overall size of federal land holdings.

- **Expand the Size and Scope of the Federal Government?** Yes. The measure would add 44 acres to the federal estate.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill stipulates that the Secretary of the Interior may acquire by donation the approximately 44 acres of land around the John Muir National Historic Site. The land would be administered by the Department of the Interior as part of the site.

H.R. 1719 contains similar language to H.R. 1289, which passed the House in the 114th Congress by voice vote on September 12, 2016. The RSC's legislative bulletin for H.R. 1289 can be found [here](#).

COMMITTEE ACTION:

H.R. 1719 was introduced on March 24, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "Article 1, Section 8". No specific enumerating clause was cited.

H.R. 1913 — Clear Creek National Recreation Area and Conservation Act (Panetta, D-CA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1913](#) would establish the Clear Creek National Recreation Area, a new national recreation area in central California, administered by the Department of the Interior. H.R. 1913 would designate approximately 21,000 acres of identified federal lands in California as the Joaquin Rocks Wilderness, a component of the National Wilderness Preservation System.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

The Congressional Budget Office (CBO) [estimated](#) that implementing H.R. 1913, passed by the House in the 114th Congress and similar to H.R. 1838, would cost \$5 million over the 2017-2021 period. Because enacting H.R. 1913 would increase offsetting receipts, which are treated as reductions in direct spending, and the associated spending of those receipts, pay-as-you-go procedures apply. However, CBO estimates that any net effects on direct spending would be negligible. Enacting the bill would not affect revenues. CBO also estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1913 would establish the Clear Creek National Recreation Area, a new national recreation area in central California, administered by the Department of the Interior, in order to promote environmentally responsible off-highway vehicle recreation. The bill would designate approximately 21,000 acres of identified federal lands in Fresno and San Benito Counties, California as the Joaquin Rocks Wilderness, a component of the National Wilderness Preservation System. The bill would stipulate that Congress finds that the San Benito Mountain wilderness study area has been adequately studied for wilderness designation, and would release the San Benito Mountain Wilderness Study Area from [specified requirements applicable to public lands](#) under a wilderness review. No additional funds would be authorized to carry out the requirements of the bill.

Not later than 2 years the bill's enactment, the Secretary of the Interior would be directed to create a comprehensive management plan for the Clear Creek Recreation Area. The secretary would be authorized to acquire land adjacent to the National Recreation Area by purchase from willing sellers, donation, or

exchange, would be required to provide landowners adequate access to inholdings within the Clear Creek National Recreation Area. Private land adjacent to the recreation area to which there is no practicable access except through the recreation area would be managed as an inholding.

Nothing in H.R. 1913 would: affect the ownership, management, or other rights relating to any non-federal land; create a protective perimeter or buffer zone around the recreation area; affect any easements, rights-of-way, and other valid rights in existence; constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the recreation area; limit hunting or fishing; affect the authority, or jurisdiction of the state to manage, control, or regulate fish and resident wildlife under state law.

The use of motorized vehicles on public land in the recreation area would be permitted only on roads, trails, and areas designated by the management plan for the use by motorized vehicles. In the recreation area, the grazing of livestock in areas in which grazing is allowed would be allowed to continue.

H.R. 1913 contains similar language to H.R. 1838, which passed the House in the 114th Congress by voice vote on June 6, 2016. The RSC's legislative bulletin for H.R. 1838 can be found [here](#).

COMMITTEE ACTION:

H.R. 1913 was introduced on July 5, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "Article IV, Section 3, clause 2 provides Congress with the power to "dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States".

H.R. 1306 — Western Oregon Tribal Fairness Act (DeFazio, D-OR)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1306](#) would require the conveyance of certain federal lands in Oregon to the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

COST:

The Congressional Budget Office (CBO) [estimates](#) that that implementing the legislation would reduce receipts and increase direct spending, as the lands specified for conveyance currently generate federal receipts from the sale of timber. Net direct spending would be increased by \$5 million over the 2018-2027 period, based on data provided by the Department of the Interior. The bill would not affect revenues or have a significant effect on spending subject to appropriation.

Net direct spending and on-budget deficits would not be increased by over \$5 billion in any of the four consecutive 10-year periods beginning in 2028

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1306 would require the federal government to hold in trust for the benefit of the Cow Creek Band of Umpqua Tribe of Indians, approximately 17,519 acres of land. The export of unprocessed logs harvested from the land, and gaming would be prohibited. The bill would additionally remove the requirement that the Department of Interior manage the Coquille Forest in accordance with state and federal forestry, but rather under the laws pertaining to the management of Indian trust land.

The bill would further require the federal government to hold in trust or convey approximately 14,408 acres of Oregon coastal land to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. The export of unprocessed logs harvested from the land, and gaming would additionally be prohibited.

H.R. 1306 contains similar language to H.R. 2791, which passed the House in the 114th Congress by voice vote on September 16, 2016. The RSC's legislative bulletin for H.R. 1838 can be found [here](#).

Changes to previously passed legislation (H.R. 2791, 114th Congress)

- H.R. 1306 expands on administrative access for the Department of the Interior to the Oregon coastal lands described H.R. 2791. The bill gives a deadline of 180 days after enactment for the Secretary of the Interior to enter into an agreement with the Confederated Tribes to allow access for certain activities. The bill also explicitly names the activities that the department will need to conduct, including forest management, road maintenance, and law enforcement activities. The agreement should also include terms of public vehicle access to the Hult Reservoir. Additionally, the

bill expands on respecting reciprocal right-of-way agreements and states that the Secretary of the Interior must provide right-of-way agreements to the Confederated Tribes in perpetuity.

- H.R. 2791 did not include provisions instructing the Secretary of the Interior to enter into a memorandum of agreement with the Cow Creek Band of Umpqua Tribe of Indians for administrative access to the Council Creek land. H.R. 1306 requires the Secretary seek to enter into a memorandum of agreement securing access and states that the Secretary of the Interior must provide right-of-way agreements to the Cow Creek Band of Umpqua Tribe of Indians in perpetuity.

COMMITTEE ACTION:

H.R. 1306 was introduced on March 2, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)".

H.R. 2156 — To provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928 (Knight, R-CA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 11, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 2156](#) would establish a memorial and monument at the Saint Francis Dam site in the County of Los Angeles, California, for the purpose of honoring the victims of the [Saint Francis Dam disaster](#) of March 12, 1928.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would cost less than \$130,000 (the estimated cost of one year's salary and benefits for a mid- to senior-level employee of the Forest Service in Los Angeles County) over the 2017-2021 period; such spending would be subject to the availability of appropriated funds. If, in accordance with the recommendations provided to the Congress from the Forest Service any improvements were made within the monument, including constructing a visitor center, the cost of managing the monument could exceed \$130,000. However, CBO expects that any costs associated with those improvements would be incurred after 2022.

CONSERVATIVE CONCERNS:

There are no substantive concerns

- **Expand the Size and Scope of the Federal Government?** No
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 2156 would establish a memorial at the Saint Francis Dam site in the County of Los Angeles, California, for the purpose of honoring the victims of the Saint Francis Dam disaster of March 12, 1928, managed by the U.S. Forest Service. The Forest Service would be authorized to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property for the purposes of developing, designing, constructing, and managing the memorial. The bill would require the Forest Service to submit recommendations to Congress regarding the planning, design, construction, and long-term management of the memorial; its proposed boundaries; a visitor center and educational facilities at the memorial; and ensuring public access to it.

H.R. 2156 would establish the Saint Francis Dam Disaster National Monument in California, comprised of certain National Forest System land administered by the Forest Service in Los Angeles County of approximately 440 acres. The Secretary of Agriculture would be required to develop a management plan for the monument. No additional funds would be authorized to carry out the legislation.

H.R. 2156 contains identical language to H.R. 5244, which passed the House in the 114th Congress by voice-vote on July 5, 2016. The RSC's legislative bulletin for H.R. 5244 can be found [here](#).

COMMITTEE ACTION:

H.R. 2156 was introduced on April 26, 2017 where it was referred to the Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "To make all Laws which shall be necessary and proper for carrying into Execution and foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

H.R. 597 — Lytton Rancheria Homelands Act of 2017 (Denham, R-CA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Expected to be considered on July 11, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 597](#) would allow for 511 acres in Sonoma California to be taken into trust for the [Lytton Rancheria](#) Indian tribe.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 597 would have no significant effect on the federal budget and that changes to the agency's administrative costs would be less than \$500,000. The bill would not affect direct spending, so pay-as-you-go procedures would not apply. The bill would impose an intergovernmental mandate by preempting state and local government authority to tax land that is taken into the Lytton Rancheria trust. The cost of the mandate would not, according to CBO, exceed the Unfunded Mandates Reform Act threshold, or \$78 million in 2017.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Yes, the bill would prevent the state and local government from collecting taxes from the 511 acres that is currently owned by the Lytton Rancheria by placing it into trust for the tribe's reservation.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 597 would take 511 acres of land currently owned by the Lytton Rancheria, a federally recognized Indian tribe, in Sonoma, California into trust for the benefit of the Lytton Rancheria. These lands would be part of the tribe's reservation and be subject to applicable laws regarding land held in trust for Indian tribes.

The bill would prohibit lands taken into trust after enactment from being eligible for gaming under the Indian Gaming Regulatory Act ([25 U.S.C. 2710 et seq.](#)) until March 16, 2037. In addition, land north of California State Highway Route 12 would not be eligible for gaming under the Indian Gaming Regulatory Act.

The bill would not require the memorandum of agreement between the Lytton Rancheria and the county regarding land to be taken into trust for the tribe to be approved by the Secretary of the Interior to be effective.

COMMITTEE ACTION:

This bill was introduced by on January 20, 2017 and referred to the House Committee on Natural Resources. A mark-up was held and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: “Article I, Section 8 of the United States Constitution, specifically Clause 3 which grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes”.

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*