



CONTENTS:

1. [H.R. 88 — Shiloh National Military Park Boundary Adjustment and Parker's Crossroads Battlefield Designation Act](#)
2. [H.R. 228 — Indian Employment, Training and Related Services Consolidation Act of 2017](#)
3. [H.R. 699 — Mount Hood Cooper Spur Land Exchange Clarification Act](#)
4. [H.R. 863 — To facilitate the addition of park administration at the Coltsville National Historical Park](#)
5. [H.R. 1033 - Open Book on Equal Access to Justice Act](#)

H.R. 88 — Shiloh National Military Park Boundary Adjustment and Parker's Crossroads Battlefield Designation Act (Blackburn, R-TN)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 27, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 88](#) would modify the boundary of the [Shiloh National Military Park](#) located in Tennessee and Mississippi, and would establish the [Parker's Crossroads Battlefield](#) as an affiliated area of the National Park System.

COST:

A Congressional Budget Office (CBO) cost estimate is not 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.

CBO [estimated](#) that implementing H.R. 87, passed in the 114th Congress and similar to H.R. 88, would cost \$2 million to \$5 million over the 2017-2021 period, assuming the land specified in the bill was acquired with appropriated funds over the next five years. Based on information from the National Park Service (NPS), the cost of developing the management plan required by the legislation would be insignificant.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill would authorize the acquisition of additional federal land through the use of appropriated funds. The federal government's landholding constitutes over one-quarter of the U.S. landmass, and much of it is poorly managed. The National Park Service, in particular, suffers from a severe backlog of maintenance requirements on existing lands.

- **Expand the Size and Scope of the Federal Government?** The bill would expand the boundaries of the Shiloh National Military Park and would authorize the Park Service to engage in additional support service for the Parker's Crossroads area.
- **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. 88 would modify the boundary of the Shiloh National Military Park to include land affiliated with the [Fallen Timbers Battlefield](#), the Russell House Battlefield, and the [Davis Bridge Battlefield](#). The bill would authorize the Secretary of the Interior to acquire lands by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

H.R. 88 would also establish the [Parker's Crossroads Battlefield](#) in Tennessee as an affiliated area of the National Park System. The City of Parkers Crossroads and the Tennessee Historical Commission would jointly be the management entity for the affiliated area. Nothing in the bill would authorize the Secretary of the Interior to acquire property at the affiliated area or to assume overall financial responsibility for the operation, maintenance, or management of the affiliated area; however, the Park Service would be authorized to provide technical and financial assistance for marketing, marking, and interpretation of the area. The bill would further direct the Secretary of the Interior to develop a general management plan for the affiliated area and submit it to Congress.

H.R. 88 contains similar language to [H.R. 87](#), which passed the House in the 114th Congress by voice-vote on June 7, 2016. The RSC's legislative bulletin for H.R. 87 can be found [here](#).

Changes to previously passed legislation (H.R. 87):

H.R. 88 adds a new section which prevents the secretary from acquiring any land through condemnation or without the owner's written consent for the purposes of this act. The section also states that there is no buffer zone for the Shiloh National Military Park and the park's activities shall not limit or control uses outside of the park.

COMMITTEE ACTION:

H.R. 88 was introduced on February 10, 2017 and referred to the Committee on Natural Resources.

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: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." No specific enumerating clause was cited. Appropriate Constitutional authority for this bill can be found in Article IV, Section 3, clause 2.

H.R. 228 — Indian Employment, Training and Related Services Consolidation Act of 2017 (Young, R-AK)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 27, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 228](#) would consolidate certain federal grants, supporting programs related to employment, training, and education to Indian tribes.

COST:

A Congressional Budget Office (CBO) cost estimate is not 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.

CBO [estimated](#) that implementing H.R. 329, passed in the 114th Congress and identical to H.R. 228, would have no significant effect on the federal budget because the legislation would not affect the overall amount of assistance provided by federal agencies to tribes. CBO estimated that any increased federal costs to oversee and administer tribal plans under the bill, which would be subject to appropriation, would not exceed \$500,000 in any year.

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. 228 would amend section 2 of the [Indian Employment, Training and Related Services Act of 1992](#) (25 U.S.C. 3401). The bill aims to allow Indian tribes and tribal organizations to integrate the employment, training and related services they provide from diverse federal sources in order to improve the effectiveness of those services, reduce joblessness in Indian communities and serve tribally determined goals, while reducing administrative, reporting, and accounting costs.

The Secretary of the Interior would be directed, after approving a plan submitted by an Indian tribe, to authorize the Indian tribe to: (1) integrate the programs and federal funds received by the Indian tribe; and, (2) coordinate the employment, training, and related services provided with those funds in a consolidated and comprehensive tribal plan.

H.R. 228 would revise the types of programs that may be integrated to include: job training; welfare to work and tribal work experience; creating or enhancing employment opportunities; skill development; assisting Indian youth and adults to succeed in the workforce; and encouraging self-sufficiency among others. Programs funded by block grant funds provided to an Indian tribe would be eligible to be integrated into the plan regardless of whether the block grant is for the benefit of the Indian tribe because of the tribe's status or the status of the grant's beneficiaries. The Secretary of the Interior would authorize

the Indian tribe to coordinate federally funded employment, training, and related service programs and funding in a manner that integrates the programs and funding into a consolidated and comprehensive program.

A plan submitted to the secretary for approval would: (1) identify the programs to be integrated and consolidated; (2) be consistent with the purposes of the legislation; (3) describe a comprehensive strategy identifying the full range of potential employment opportunities on and near the service area of the Indian tribe, as well as the education, training, and related services to be provided to assist Indians to access those employment opportunities; (4) identify the projected expenditures under the plan in a single budget covering all consolidated funds; (5) identify any agency of the Indian tribe to be involved in the delivery of the services integrated under the plan; (6) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe believes need to be waived to implement the plan; and, (7) be approved by the governing body of the Indian tribe. The bill would lay out specific waiver authority granted to the Secretary of the Interior. Upon receipt of a plan from an Indian tribe, the secretary would consult with the head of each federal agency overseeing a program identified in the plan; and the Indian tribe that submitted the plan.

The secretary would have exclusive authority to approve or disapprove a plan submitted by an Indian tribe. H.R. 228 would further layout the details of the approval or denial process for a plan. If the secretary fails to act within 90 days after receiving the plan, the plan would be considered to be approved.

An Indian tribe that has an approved plan in place would be authorized to use the funds made available for the plan: (1) to place participants in training positions with employers; and, (2) to pay the participants a training allowance or wage for a training period of not more than 24 months, which may be nonconsecutive.

The bill would revise the authorities of the Bureau of Indian Affairs (BIA) in carrying out the legislation to include: (1) the development of a single model report for each Indian tribe that has in place an approved plan to submit to the Director of BIA reports on any consolidated activities undertaken and joint expenditures made under the plan; (2) the provision, directly or through contract, of appropriate voluntary and technical assistance to participating Indian tribes; (3) the development and use of a single monitoring and oversight system for approved plans; and, (4) the receipt of all funds covered by a plan.

H.R. 228 would require the Secretary of the Interior, acting through BIA, to enter into an interdepartmental memorandum of agreement providing for the implementation of the legislation. The lead agency would develop and distribute to Indian tribes that have in place an approved plan, a single report format. The bill would further layout the requirements of the report. The report format would not require a participating Indian tribe to report on the expenditure of funds expressed by fund source or single agency code transferred to the Indian tribe under an approved plan but instead would require the Indian tribe to submit a single report on the expenditure of consolidated funds under such plan.

In no case would the amount of federal funds available to an Indian tribe that has an approved plan in place be reduced as a result of H.R. 228's enactment; or the approval or implementation of a plan of an Indian tribe. Not later than 30 days after the date of apportionment to the applicable federal agency, the head of an agency overseeing a program identified in a plan would be directed to transfer to the BIA Director for distribution to an Indian tribe any funds identified in the Indian tribe's approved plan. All amounts transferred to a tribe pursuant to an approved plan may be consolidated, reallocated, and re-budgeted as specified in the approved plan to best meet the employment, training, and related needs of the local community served by the Indian tribe. Any funds transferred to an Indian tribe that are not obligated or expended prior to the beginning of the fiscal year after the fiscal year for which the funds were appropriated shall remain available for obligation or expenditure without fiscal year limitation. An Indian tribe shall be entitled to recover 100 percent of any indirect costs incurred by the tribe as a result of the transfer of funds to the tribe.

H.R. 228 contains identical language to [H.R. 329](#), which passed the House in the 114th Congress by voice-vote on September 6, 2015. The RSC's legislative bulletin for H.R. 329 can be found [here](#).

COMMITTEE ACTION:

H.R. 228 was introduced in the House on January 3, 2017 and referred to the House Committee on Natural Resources.

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 3."

H.R. 699 — Mount Hood Cooper Spur Land Exchange Clarification Act (Walden, R-OR)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 27, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 699](#) would revise details of the Mount Hood Cooper Spur-Government Camp land exchange between the United States and Oregon by reducing the amount of land the United States Forest Service would be authorized to convey to the Mount Hood ski area from 120 acres to 107 acres.

COST:

A Congressional Budget Office (CBO) cost estimate is not 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.

The Congressional Budget Office (CBO) [estimated](#) that implementing H.R. 3826, passed in the 114th Congress and identical to H.R. 699, would not affect the federal budget. Because CBO expected that enacting the bill would not affect whether the exchange would occur or when it would take place, CBO estimated that enacting the bill would not affect direct spending. Enacting the bill also would not affect revenues. Therefore, pay-as-you-go procedures do not apply. CBO estimated 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:

There are no major 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. 699 would amend the Omnibus Public Land Management Act of 2009 by reducing the amount of land the United States Forest Service would be authorized to convey to the Mount Hood Cooper Spur-Government Camp, Oregon from 120 acres to 107 acres. After the final appraised value of the federal and nonfederal lands is determined and approved by Department of Agriculture, the department would not be required to reappraise or update the final appraised value for a period of up to 3 years, unless the land is significantly and substantially altered by fire, windstorm, or other events.

Prior to the exchange of the federal and non-federal land, the Secretary of Agriculture and Mt. Hood Meadows may mutually agree for the secretary to reserve a conservation easement to protect the identified wetland in accordance with applicable law. The secretary would be directed to reserve a 24 foot-wide nonexclusive trail easement at the existing trail locations on the federal land that retains for the United States existing rights to construct, reconstruct, maintain, and permit non-motorized use by the public of existing trails. If the amount by which the appraised value of the land and other property conveyed by Mt.

Hood Meadows exceeds the appraised value of the land conveyed by the Secretary of Agriculture, the amount difference would be considered a donation by Mt. Hood Meadows to the United States.

H.R. 699 contains identical language to [H.R. 3826](#), which passed the House in the 114th Congress by a vote of [401-2](#) on June 8, 2016. The RSC's legislative bulletin for H.R. 3826 can be found [here](#).

COMMITTEE ACTION:

H.R. 699 was introduced in the House on January 24, 2017 and referred to the House Committee on Natural Resources.

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 (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. 863 — To facilitate the addition of park administration at the Coltsville National Historical Park (Larson, D-CT)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 27, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 863](#) would revise the boundaries of the Coltsville National Historic Park in Connecticut and authorize the National Park Service (NPS) to use space outside of the area stipulated under current law for park administration and visitor services.

COST:

A Congressional Budget Office (CBO) cost estimate is not 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.

The Congressional Budget Office (CBO) [estimated](#) that implementing H.R. 2857, passed in the 114th Congress and similar to H.R. 863, would be insignificant and subject to the availability of appropriated funds. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimated that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that H.R. 863 removed a paragraph that was included in H.R. 2857 which required the owner's written consent in order to include non-federal property in Coltsville National Historic Park.

- **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. 863 would revise the boundaries of the Coltsville National Historic Park in Connecticut. According to the [report](#) accompanying H.R. 2857, which passed in the 114th Congress and is similar to H.R. 863 “[the] Coltsville site is approximately 260 acres and holds structures and artifacts associated with the development of Colt Firearms, [and] the Samuel Colt family”.

[Public Law 113-291](#) specified that Coltsville will not become a unit of the National Park System until such time as the Secretary of the Interior “has acquired by donation sufficient land or an interest in land within the boundary of the park to constitute a manageable unit.” Current law requires that at least 10,000 square feet of space in the East Armory be provided by the state of Connecticut, Hartford, or the private property

owner, as appropriate, for park administration and visitor services. H.R. 863 would allow the Park Service to select an alternative location for these purposes.

H.R. 863 contains similar language to [H.R. 2857](#) which passed the House in the 114th Congress by voice-vote on March 22, 2016. The RSC's legislative bulletin for H.R. 2867 can be found [here](#).

Some conservatives may be concerned that H.R. 863 removed a paragraph that was included in H.R. 2857 which required the owner's written consent in order to include non-federal property in Coltsville National Historic Park.

COMMITTEE ACTION:

H.R. 863 was introduced in the House on February 3, 2017 and referred to the House Committee on Natural Resources.

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: Clause 1 of Section 8 of Article I of the Constitution; Clause 18 of Section 8 of Article I of the Constitution; Clause 2 of Section 3 of Article IV of the Constitution"

H.R. 1033 - Open Book on Equal Access to Justice Act (Rep. Collins, R-GA)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Expected to be considered on February 27, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1033](#) would require federal agencies to disclose payments made for attorneys' fees and other expenses in civil or administrative procedures.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

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:

Under the [Equal Access to Justice Act](#), the government has the ability to provide payments to a prevailing party. This legislation would give Americans the ability to more easily obtain information as to how agencies handle lawsuits against the federal government in which attorneys' fees are awarded.

This legislation would direct the Chairman of the Administrative Conference to establish and maintain an online database containing information pertaining to awards, including the agency involved, the names of parties receiving awards, award amounts, and the basis for finding the position of the agencies concerned were not substantially justified. The database would not be permitted to reveal any information prohibited by court order.

This legislation would direct the head of every agency, including the Attorney General, to provide all information requested to the chairman, so that he may comply with the requirements of this legislation.

Similar legislation was passed in 2015 under suspension. A past RSC legislative bulletin can be found [here](#).

COMMITTEE ACTION:

H.R. 1033 was introduced on February 14, 2017, and was referred the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

Congress has the authority to enact this legislation pursuant to: Article I, Section 9, Clause 7 of the Constitution.

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.