



1. [H.R. 6004 - MGT Act](#)
2. [H.R. 1296 - To amend the San Luis Rey Indian Water Rights Settlement to clarify certain settlement terms, as amended](#)
3. [H.R. 4564 - Robert Emmet Park Act of 2016](#)

# H.R. 6004 — MGT Act (Rep. Hurd, R-TX)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

## FLOOR SCHEDULE:

Scheduled for consideration September 22, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 6004](#) would establish within each agency an information technology modernization working capital fund and a government-wide information technology modernization fund at Treasury. Funds deposited into these accounts, either via discretionary appropriation or agency reprogramming, would be available at the discretion of agency heads for the purpose of introducing or developing new IT systems.

### COST:

A Congressional Budget Office (CBO) cost estimate is not currently 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:

- **Expand the Size and Scope of the Federal Government?** Yes, this bill would create a new fund within each agency and the Treasury to fund information technology projects within the federal government.
- **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 would establish an information technology system modernization and working capital fund for necessary expenses for the agency. These funds could be deposited into the fund through the reprogramming of available funds for the operation and maintenance of legacy systems or amounts made available through discretionary appropriations. The fund could be used to improve or retire existing systems, transition to a cloud-based platform, or support efforts to provide information technology capabilities that address security threats. The chief information officer (CIO) would evaluate the use of funds based on technical design, and procurement strategy.

This bill would also establish at the Treasury an Information Technology Modernization Fund for technology related activities and to enhance cybersecurity across the federal government. The Technology Modernization Fund would be used to transfer amounts, to remain available until expended, to the head of an agency to improve, retire, or replace existing information technology systems. In addition to any appropriated funds, the Technology Modernization Fund would be credited with all reimbursements, advancements, or refunds relating to information technology or services provided through the Fund. An Information Technology Board would be established to evaluate proposals for used of funding in the Technology Modernization Fund. The Board would provide input on the development of processes for agencies to submit modernization proposals and establish criteria to evaluate the proposals, and monitor the funding and execution of approved projects.

### COMMITTEE ACTION:

This bill was introduced by Representative Hurd and referred to the House Committee on Oversight and Government Reform. It was marked-up on September 15, 2016, and ordered to be reported, as amended, 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 I, Section IX, clause VII, of the United States Constitution."

Clause 7 of Section 9 prohibits the withdrawal of funds from the Treasury without an appropriation in law; however, the section does not empower Congress to make such appropriations for any purpose. Such enumerated power would more likely be found in Article 1, Section 8.

# H.R. 1296 — To amend the San Luis Rey Indian Water Rights Settlement to clarify certain settlement terms, as amended (Rep. Hunter, R-CA)

CONTACT: [Nicholas Rodman](#), 202-226-8576

## FLOOR SCHEDULE:

Scheduled for consideration on September 22, 2016 under suspension of the rules, which requires 2/3 vote for passage.

## TOPLINE SUMMARY:

[H.R. 1296](#) would ratify a settlement agreement negotiated in 2014 between the United States and other parties in southern California including the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians, the City of Escondido, the San Luis Rey Indian Water Authority, and the Vista Irrigation District, regarding water rights and the federal government's legal responsibilities.

## COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting the legislation would increase net direct spending by \$18 million over the 2017-2026 period; therefore, pay-as-you-go procedures apply. Enacting H.R. 1296 would not affect revenues. CBO estimates 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:

- **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. 1296 would amend the [San Luis Rey Indian Water Rights Settlement Act](#), and ratify a settlement agreement negotiated in 2014 between the United States and other parties in southern California including the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians, the City of Escondido, the San Luis Rey Indian Water Authority, and the Vista Irrigation District. The bill would state that Congress finds and recognizes: (1) the City of Escondido, California, the Vista Irrigation District, the San Luis Rey River Indian Water Authority, and the Bands have approved an agreement, dated December 5, 2014, resolving their disputes over the use of certain land and water rights in or near the San Luis Rey River watershed; (2) the Bands of Mission Indians, the San Luis Rey River Indian Water Authority, the City of Escondido, California, the Vista Irrigation District, and the United States have approved a Settlement Agreement dated January 30, 2015 that conforms to H.R. 1296's requirements.

Under the [Winters Doctrine](#), Indian reservations are legally entitled to whatever amount of water they require at the time they were created. The 1988 San Luis Rey Indian Water Rights Settlement Act was enacted to address a claim by various tribes in the San Luis Rey basin that the federal government had appropriated away their water rights and given them to other local communities (allottees), in violation of the government's trust responsibilities. The 1988 settlement provided compensation to the tribes, and ensured that necessary water would continue to be provided to local communities that depend on it. However, it was disputed whether the water given to allottees would be drawn from the tribes Winters

water rights or if it was to be derived from “supplemental water”, that is, water available in the basin in excess of the amount the tribes are entitled to under the Winters Doctrine.

H.R. 1296 would state that Congress finds and confirms that the benefits to allottees in the Settlement Agreement, including the remedies and provisions requiring that any rights of allottees, shall be satisfied from supplemental water and other water available to the Bands or the Indian Water Authority, are equitable and fully satisfy the water rights of the allottees.

H.R. 1296 would ratify and approve all provisions of the Settlement Agreement, including the waivers and releases of the liability of the United States. The Secretary and the Attorney General would be authorized to execute, on behalf of the United States, the Settlement Agreement and any amendments approved by the parties as necessary to make the Settlement Agreement consistent with the legislation.

The bill would clarify that the Bands of Mission Indians had, have, and continue to possess federally reserved rights and other water rights held in trust by the United States. In any proceeding involving the assertion, enforcement, or defense of these rights, the United States, in its capacity as trustee for any Band, would not be a required party and any decision by the United States regarding participation in any proceeding would not be subject to judicial review or give rise to any claim for relief against the United States.

Nothing in the bill would be construed or interpreted as a precedent for the litigation or settlement of Indian reserved water rights.

The House report (H. Rept. 114-747) accompanying H.R. 1296 can be found [here](#).

**COMMITTEE ACTION:**

H.R. 1296 was introduced on March 4, 2015 and was referred to the House Committee on Natural Resources. On September 15, 2016, the bill was ordered to be reported by the committee.

**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 of the United States Constitution, which provides Congress with the power to regulate commerce and relations between the United States and Native American Tribes.”

# H.R. 4564 — Robert Emmet Park Act of 2016 (Rep. Crowley, D-NY)

CONTACT: [Nicholas Rodman](#), 202-226-8576

## FLOOR SCHEDULE:

Scheduled for consideration on September 22, 2016 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 4564](#) would redesignate the small triangular property located in Washington, DC, and designated by the National Park Service as reservation 302, as “Robert Emmet Park”.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that the cost for the National Park Service to update signage for the park would be insignificant; such spending would be subject to the availability of appropriated funds. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

### 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. 4564 would redesignate the small triangular property located in Washington, DC, and designated by the National Park Service as reservation 302, as “Robert Emmet Park”. The bill would authorize the Secretary of the Interior to post signs on or near Robert Emmet Park that include: (1) information on Robert Emmet, his contribution to Irish Independence, and his respect for the United States and the American Revolution; (2) information on the history of the statue of Robert Emmet located in Robert Emmet Park.

According to the findings of the bill, “[Robert Emmet](#) was one of Ireland’s most prominent historical figures, having led an effort to secure Irish independence in 1803.”

### COMMITTEE ACTION:

H.R. 4564 was introduced on February 12, 2016 and was referred to the House Committee on Natural Resources. On September 19, 2016, the bill was ordered to be reported by the committee.

### 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 VIII.” No specific enumerated clause was cited.

---

**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.