



S. 47 — Natural Resources Management Act (Rep. Murkowski, R-AK)

FLOOR SCHEDULE:

Expected to be considered on January 26, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[S. 47](#) would permanently reauthorize the deposit function of the Land and Water Conservation Fund, designate federal wilderness, address sportsmen's access to federal land, authorize conveyances, revise boundaries of national parks, and establish wildland fire management and volcano early warning programs.

COST:

The Congressional Budget Office (CBO) has not completed an estimate on spending subject to appropriation.

CBO [estimates](#) that the bill would decrease direct spending by 9 million and increase revenues by an insignificant amount in the 2019-2029 period.

CONSERVATIVE VIEWPOINTS:

Some conservatives may be concerned that the bill is being considered under suspension of the rules even though: 1) it contains a permanent reauthorization of the LWCF's funding stream from which over \$3.5 billion has been appropriated over the past 10 years; 2) it is approximately 700 pages long; and 3) it is an amalgamation of a total of 147 individual bills.

Conservatives should be concerned the bill is being considered without a full CBO cost estimate that includes spending subject to appropriation.

Some conservatives may be concerned that the bill permanently reauthorizes the Land and Water Conservation Fund's deposit function, a program eliminated by the RSC [budget](#). One main reason conservatives often oppose the LWCF is its use to fund federal land acquisition even though the federal government already owns more than 640 million acres and has a deferred maintenance backlog of over [\\$11.6 billion](#). Instead of adding additional lands onto the government's already too-extensive holdings by continuing appropriations from the LWCF, some conservatives may believe Congress should begin the process of reducing its footprint, and leave land management at the state and local level. Further, some conservatives may oppose the other purposes of the LWCF, such as: (1) it funds a matching grant program to assist states in recreational planning, acquiring recreational lands and waters, and developing outdoor recreational facilities; and (2) it funds other federal programs with related

purposes, such as the Forest Legacy program of the Forest Service and grants under the Cooperative Endangered Species Conservation Fund of the Fish and Wildlife Service.

Some conservatives may be pleased that the bill would require that 40 percent of funds are allocated to the state matching grant program. In the past, the state matching grant program has sunk to as low as 12 percent of total LWCF funding, though when the bill was originally passed in 1965, 60 percent was dedicated to the state matching grant program. Some conservatives may believe the state matching grant program should make up an even larger portion of LWCF funds, while other conservatives believe the program should be repealed altogether.

▪ **Expand the Size and Scope of the Federal Government?**

By permanently reauthorizing the LWCF funding stream, the bill could result in an increase of land owned by the federal government given that the largest use of LWCF funding is federal land acquisition. 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 [\\$11.6 billion](#) backlog on existing lands.

Some conservatives may be concerned that the bill would designate four new national monuments on a total of 1,750 acres.

Some conservatives may be concerned that the bill would designate 1.3 million acres as federal wilderness in California, Utah, Oregon and New Mexico. The bill does release 168,000 acres from being studied for future wilderness designations.

Some conservatives may be concerned that the bill would authorize the acquisition of additional federal land through the use of appropriated funds, though some conservatives may be pleased that the bill also authorizes the conveyance of land out of federal ownership. The bill authorizes the acquisition of 2,337 acres of non-federal land, and allows for 17,780 acres to be conveyed out of federal ownership.

The bill would also create new programs, and reauthorize programs that were previously allowed to expire.

- **Encroach into State or Local Authority?** Some conservatives may believe many of the programs authorized by the bill are best coordinated at the local level.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

S. 47 contains a total of 147 bills, including 84 Republican and 43 Democrat bills. Over 50 of these bills were previously passed by the House, and are noted below.

Key:

- **Contains similar language to a bill previously passed by the House.**
- **Contains language that has not been previously passed by the House.**

A title-by-title summary of the bill provided by the Senate Committee on Energy & Natural Resources can be found [here](#).

TITLE I – Public Land and Forests
Subtitle A—Land Exchanges and Conveyances

Section 1001: would authorize a land exchange within the Pike National Forest, in El Paso County, Colorado, between the Forest Service and Broadmoor Hotel, Inc., (BHI) a Colorado corporation. This section contains similar language to H.R. 618, which passed the House in the 115th Congress by voice vote on February 6, 2017. The RSC’s legislative bulletin for H.R. 618 can be found [here](#).

Section 1002: would modify the boundary of the [Arapaho National Forest](#) in Colorado to include an additional 92.95 acres of land. This section contains similar language to H.R. 688, which passed the House in the 115th Congress by voice vote on February 6, 2017. The RSC’s legislative bulletin for H.R. 688 can be found [here](#).

Section 1003: would authorize a land exchange between the San Bernardino Valley Water Conservation District and the U.S. Bureau of Land Management. This section contains similar language to H.R. 497, which passed the House in the 115th Congress by a vote of [424-0](#) on June 27, 2017. The RSC’s legislative bulletin for H.R. 497 can be found [here](#).

Section 1004: would require the Secretary of the Interior to convey the revisionary interests of a 172.8-acre parcel, known as Udall Park, to the City of Tucson, Arizona for the purposes of economic development. This section contains similar language to H.R. 1547, which passed the House in the 115th Congress by a vote of [401-0](#) on October 2, 2017. The RSC’s legislative bulletin for H.R. 1547 can be found [here](#).

Section 1005: would allow the Utah School and Institutional Trust Lands Administration to select 500 acres of Bureau of Land Management (BLM) lands located near Eagle Mountain and Saratoga Springs. This section contains similar language to H.R. 2582, which passed the House in the 115th Congress by a voice vote on October 2, 2017. The RSC’s legislative bulletin for H.R. 2582 can be found [here](#).

Section 1006: would authorize a land conveyance of 65.7 acres of federal land to Custer County, South Dakota.

Section 1007: 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. This section contains similar language to H.R. 1404, which passed the House in the 115th Congress by a voice vote on July 11, 2017. The RSC’s legislative bulletin for H.R. 1404 can be found [here](#).

Section 1008: would require the Secretary of the Interior to convey 8,800 acres of land in La Paz County to the county upon receipt of a written request. This section contains similar language to H.R. 2630, which passed the House in the 115th Congress by a voice vote on July 23, 2018. The RSC’s legislative bulletin for H.R. 2630 can be found [here](#). The language included in S. 47 no longer would require the land to be conveyed in phases over a period of 20 years and would require the Secretary to exclude federal land that contains significant cultural, environmental, wildlife, or recreational resources.

Section 1009: would require the Secretary of the Interior to convey about 230 acres of land and associated minerals near Lake Bistineau in northeast Louisiana. This section contains similar language to H.R. 3392, which passed the House in the 115th Congress by a voice vote on June 25, 2018. The RSC’s legislative bulletin for H.R. 3392 can be found [here](#).

Section 1010: would authorize a land conveyance of 2,025 acres of National Forest System land to Fannin County, Texas.

Section 1011: would authorize a land conveyance of half an acre to a private owner and grants Fall River Electric the right to operate and maintain a right-of-way in Ashton, Idaho.

Section 1012: would authorize the conveyance of the rights to certain sand and gravel deposits under the estate owned by Ukpeagvik Inupiat Corporation.

Section 1013: would authorize the conveyance of 80 acres to the City of Hyde Park, Utah, for public purposes.

Section 1014: would require the U.S. Department of Agriculture to convey 2.17 acres of National Forest System land, known as the Nephi Work Center to Juab County, Utah, at their request. This section contains similar language to H.R. 3777, which passed the House in the 115th Congress by a voice vote on July 17, 2018. The RSC's legislative bulletin for H.R. 3777 can be found [here](#). The language in S. 47 would require the land to be used for fire suppression and fuels mitigation personnel and activities.

Section 1015: would authorize a land exchanging involving the conveyance of 345.2 acres of land to Bullhead City, Arizona.

Section 1016: would require the Secretary of Agriculture to accept a land exchange offer from Yavapai County, Arizona, in which 369 acres of land would be conveyed to the federal government, in exchange for 80 acres of land within the Coconino National Forest. This section contains similar language to H.R. 6146, which passed the House in the 115th Congress voice vote on November 13, 2018. The RSC's legislative bulletin for H.R. 6146 can be found [here](#).

Section 1017: would authorize a land exchange between the federal government and Embry-Riddle Aeronautical University, Florida.

Subtitle B—Public Land and National Forest System Management

Section 1101: would require the U.S. Forest Service to provide a special use authorization to the town of Minturn, Colorado to allow the town to manage and maintain a headgate and ditch segment used to divert water to Bolts Lake, within the Holy Cross Wilderness in Eagle County, Colorado. This section contains similar language to H.R. 689, which passed the House in the 115th Congress by a vote of [409-1](#) on February 6, 2017. The RSC's legislative bulletin for H.R. 689 can be found [here](#).

Section 1103: would designate 99,653 acres of National Forest Service Land in Oregon as the Frank and Jeanne Moore Wild Steelhead [Special Management Area](#).

Section 1104: would expand the authorization of the Secretary of Agriculture to maintain and replace facilities or structures for commercial recreation services at Smith Gulch.

Section 1105: would repeal a [provision](#) that limits the export of timber from certain lands conveyed to Kake Tribal Corporation.

Section 1106: would designate two mountain peaks located in the [Uncompahgre National Forest](#) in Colorado as the Boskoff Peak and the Fowler Peak. This section contains similar language to H.R. 2768, which passed the House in the 115th Congress by a vote of [409-0](#) on November 28, 2017. The RSC's legislative bulletin for H.R. 2768 can be found [here](#).

Section 1107: would authorize a conveyance of 9.5 acres in the Colorado National Forest to permit holders.

Section 1108: would require the Secretary of the Interior to remove 832 acres from the Deschutes Canyon-Steelhead Falls Wilderness Study Area and the Deschutes Canyon Wilderness Study Area, in Oregon, in order to facilitate fire prevention and response activities on the public land and adjacent private property. This

section contains similar language to H.R. 2075, which passed the House in the 115th Congress by a voice vote on July 11, 2018. The RSC's legislative bulletin for H.R. 2075 can be found [here](#). *Some conservatives may be pleased this would remove land from a wilderness area.*

Section 1109: would make the extraction of helium on federal lands subject to the same lease terms as oil and gas. This section contains similar language to H.R. 3279, which passed the House in the 115th Congress by a voice vote on November 1, 2017. The RSC's legislative bulletin for H.R. 3279 can be found [here](#).

Section 1111: 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. This section contains similar language to H.R. 2156, which passed the House in the 115th Congress by a voice vote on July 11, 2017. The RSC's legislative bulletin for H.R. 2156 can be found [here](#).

Section 1112: would remove land from the North Fork Owyhee Wilderness.

Section 1113: would require the Chugach Alaska Corporation to identify land that can be exchanged to consolidate federal surface and mineral estate ownership.

Section 1114: would require the Secretary of the Interior to establish a program to assess drone technologies to accelerate the deployment of those technologies in the operation of the Department of the Interior and the Department of Agriculture, including in wildfire response. The bill would also require the Secretaries of the Interior and Agriculture to develop a resources tracking system within 2 years of enactment. The authorization for this section expires in ten years.

Section 1115: would establish the McCoy Flats Trail System, to be administered by the Department of the Interior. The section would prohibit access fees from being charged. *Some conservatives may be concerned that this section would allow the federal government to seek to acquire land, if requested by the state.*

Section 1116: would reauthorize and support the research and development programs of the National Institute of Standards and Technology (NIST). This section contains similar language to H.R. 6299, with some modifications. H.R. 6299 passed the House in the 115th Congress by a voice vote on September 25, 2018. The RSC's legislative bulletin for H.R. 6299 can be found [here](#). S. 47 removes provisions related to the facilitation of Pinyon-Juniper-Related Projects, the disposition of proceeds under the Lincoln County Act of 2000 and the Lincoln County Conservation, Recreation and Development Act of 2004, and the implementation of the White Pine County Conservation, Recreation and Development Act. *Some conservatives may be concerned the bill would add parcels to the Mount Moriah Wilderness Area.*

Section 1117: would establish 173,163 acres of land in the Ashley National Forest as the Ashley Karst National Recreation and Geologic Area in Utah, to be administered by the Department of the Interior to conserve and protect the watershed, geological, recreational, wildlife, scenic, natural, cultural, and historic resources of the Recreation Area.

Section 1118: would establish 29,868 acres of land administered by the Bureau of Land Management (BLM) as the John Wesley Powell National Conservation Area. *Some conservatives may be concerned that the bill would authorize the federal government to acquire land within the conservation area from a willing seller, donation, or exchange.*

Section 1119: would allow Alaska Natives who served in the Vietnam War to apply for an allotment of land in Alaska between 2.5 acres and 160 acres.

Section 1120: would require the Secretary of the Interior to commission a survey to identify the South Bank boundary line of the Red River between Texas and Oklahoma. This section contains similar language to H.R. 428, with some modifications. H.R. 428 passed the House in the 115th Congress by a vote of [250-171](#)

February 14, 2018. The RSC's legislative bulletin for H.R. 428 can be found [here](#). S. 47 would require the survey to be approved by the secretary, which was prohibited by the House-passed language.

Section 1121: would allow certain bidding rights issued for the relinquishment of the coal preference right lease application to be used in lieu of 50 percent of the amount owed for the payment of a bonus in a coal lease sale or rental under a federal coal lease. Designates 7,242 acres of land as the [Ah-shi-sle-pah Wilderness](#). The section would also expand the [Bisti/De-Na-Zin Wilderness](#) by 2,250 acres, *which may concern some conservatives*.

Section 1122: would reauthorize the Rio Puerco Watershed Management program and its [committee](#).

Section 1123: would authorize the conveyance of 791 acres of BLM land to be conveyed to Uintah County, Utah, to be managed as open space to protect the watershed and underground karst system and aquifer.

Subtitle C—Wilderness Designations and Withdrawals

Some conservatives may be concerned that the bill would designate a total of 294,000 acres of land in New Mexico and Oregon as wilderness, as follows:

- [Aden Lava Flow Wilderness](#): 27,673 acres
- Broad Canyon Wilderness: 13,902 acres
- Cinder Cone Wilderness: 16,935 acres
- East Potrillo Mountains: 12,155 acres
- [Mount Riley Wilderness](#): 8,362 acres
- Oregon Mountains Wilderness: 19,916 acres
- Potrillo Mountains Wilderness: 16,76 acres
- [Sierra De Las Uvas Wilderness](#): 11,114 acres
- Whitethorn Wilderness: 9,616 acres
- Cerro Del Yuta Wilderness: 13,420 acres
- [Rio San Antonio Wilderness](#): 8,120 acres

The bill would withdraw a total of 28,000 acres of wilderness study area land in New Mexico.

Section 1204: would withdraw a total of 370,000 acres of land in [Emigrant Crevice, Montana](#), and [Okanogan-Wenatchee National Forest](#), from mineral entry.

Section 1205: would establish a total of 280 acres in Oregon as a [wild, scenic or recreational river](#).

The bill would designate 216,995 acres of BLM and Forest Service land in Utah as wilderness, including the [San Rafael Swell Western Heritage and Historic Mining Recreation Area](#) and would establish the San Rafael Swell Recreational Area Council.

The bill would establish 661,000 acres of BLM and National Forest Service land as the following:

- Big Wild Horse Mesa Wilderness: 18,192 acres
- Cold Wash Wilderness: 11,001 acres
- Desolation Canyon Wilderness: 142,996 acres
- Devil's Canyon Wilderness: 8,675 acres
- Eagle Canyon Wilderness: 13,832 acres
- Horse Valley Wilderness: 12,201 acres
- Labyrinth Canyon Wilderness: 54,643 acres
- Little Ocean Drive: 20,660 acres
- Little Wild Horse Canyon: 5,479 acres

- Lower Last Change Wilderness: 19,338 acres
- Mexican Mountain Wilderness; 76,413 acres
- Middle Wild Horse Mesa Wilderness: 16,343 acres
- Muddy Creek Wilderness: 98,023 acres
- Nelson Mountain Wilderness: 7,176 acres
- Red’s Canyon Wilderness: 17,325 acres
- San Rafael Reef Wilderness: 60,442 acres
- Sid’s Mountain Wilderness: 49,130 acres
- Turtle Canyon Wilderness: 29,029 acres

The bill would also release 17,000 acres of BLM land from a wilderness study area and designate 63 miles of river in Emery County as a [wild, scenic or recreational river](#).

Section 1251: would convey of 6,261 acres of land to the Utah Department of Natural Resources for management as the Goblin Valley State Park.

Section 1252: would establish 850 acres of land in Utah as the Jurassic National Monument. *Some conservatives would be concerned that this would establish a new national monument.*

Section 1253: would authorize the Secretary of the Interior to sell public land located in Emery County, Utah, that has been identified as suitable for disposal.

Section 1254: would authorize the secretary to convey certain public land parcels at the request of the local government entity for specified public purposes.

Subtitle D—Wild and Scenic Rivers

Sections 1301-1303: would establish 225 miles of rives in Connecticut, Massachusetts and New Hampshire as a [wild, scenic or recreational river](#).

Subtitle E – California Desert Protection and Recreation

Some conservatives may be concerned that this subtitle would designate 375,000 acres of new wilderness, establish the Alabama Hills National Scenic Area (18,600 acres) and the Vinagre Wash Special Management Area (81,900 ages), and add 40,000 acres to Death Valley, Mojave and Joshua Tree National Parks in the state of California. The bill would also release about 85,000 acres of study area back into multiple-use and designate 200,600 acres of BLM land for off-highway vehicle use.

Most of this subtitle contains similar language that was included in H.R. 857, which passed the House in the 115th Congress on June 25, 2018 by voice vote. The RSC’s legislative bulletin for H.R. 857 can be found [here](#). Some adjustments to the text included in H.R. 857 were made, including acreage adjustments.

TITLE II – National Parks

Subtitle A—Special Resource Studies

Section 2001: would require the Secretary of the Interior to conduct a special resource study related to the possible inclusion of the [James K. Polk Home](#) located in Columbia, Tennessee, in the National Park System. This section contains similar language to H.R. 443, which passed the House in the 115th Congress by a voice vote on April 16, 2018. The RSC’s legislative bulletin for H.R. 443 can be found [here](#). *Some conservatives may be concerned the bill would require the Secretary of the Interior to consider the feasibility of adding the James*

K. Polk Home to the National Park System, though the secretary must also consider alternatives and a separate piece of legislation would be needed to establish the site as a National Park.

Sections 2002-2004: would require the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating (1) Thurgood Marshall School, in West Baltimore, Maryland; (2) [President Street Station](#) in Baltimore, Maryland; or, (3) [Camp Amache](#), in Granada Colorado, as a unit of the National Park System. *Some conservatives may be concerned this legislation could lead to an addition to the National Park System.*

Section 2005: would require the Secretary of the Interior to conduct a special resource study of the [George W. Bush Childhood Home](#), evaluating the feasibility and suitability of designating the site as a unit of the National Park System. This section contains similar language to H.R. 3008, which passed the House in the 115th Congress by a vote of [382-4](#) on December 10, 2018. The RSC's legislative bulletin for H.R. 3008 can be found [here](#). *Some conservatives may be concerned this legislation could lead to an addition to the National Park System.*

Subtitle B— National Park System Boundary Adjustments and Related Matters

Section 2101: 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. This section contains similar language to H.R. 8, which passed the House in the 115th Congress by a voice vote on February 27, 2017. The RSC's legislative bulletin for H.R. 88 can be found [here](#). *Some conservatives may be concerned that the bill would authorize the acquisition of additional federal land through the use of appropriated funds. 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.*

Section 2102: would redesignate the [Ocmulgee National Monument](#) in Georgia as the Ocmulgee Mounds National Historical Park and would adjust the boundary of the park by approximately 2,100 acres, with the additional land being acquired through donation or exchange only. This section contains similar language to H.R. 538. H.R. 538 passed the House in the 115th Congress by a vote of [396-8](#) on May 9, 2017. The RSC's legislative bulletin for H.R. 538 can be found [here](#). *Some conservative may be concerned this would increase the size of federal land holdings by the amount of any donations exceeded land exchanges conducted under the authority provided.*

Section 2103: would adjust the boundary of the [Kennesaw Mountain National Battlefield Park](#) to include the Wallis House and Harriston Hill, allowing the National Park Service (NPS) to acquire about 8 acres of land, *which may concern some conservatives.* This section contains similar language to H.R. 558. H.R. 558 passed the House in the 115th Congress by a voice vote on January 30, 2017. The RSC's legislative bulletin for H.R. 558 can be found [here](#). S.47 removes provisions expressly requiring written consent from non-federal landowners and prohibiting the secretary from acquiring land by condemnation.

Section 2104: would authorize the expansion of the [Fort Frederica National Monument](#) on St. Simons Island, Georgia increasing the maximum acreage from 250 to 305 acres. This section contains similar language to H.R. 494. H.R. 494 passed the House in the 115th Congress by a voice vote on February 6, 2017. The RSC's legislative bulletin for H.R. 494 can be found [here](#). S. 47 removes a provision requiring written consent from non-federal landowners. *Some conservatives may be concerned that the bill would authorize the acquisition of additional federal land through the use of appropriated funds.*

Section 2105: would allow for the acquisition of the [Lunette Blaire blockhouse](#) to be included in the [Fort Scott National Historic Site](#). This section contains similar language to H.R. 1541, which passed the House in the 115th Congress by a voice vote on July 11, 2017. The RSC's legislative bulletin for H.R. 1541 can be found [here](#).

Section 2106: would authorize an additional 300 acres to be added to the [Florissant Fossil Beds National Monument](#). *Some conservatives may be concerned that this would increase the size of a national monument.*

Section 2107: would transfer to the National Park Service (NPS) the administrative jurisdiction of certain Bureau of Land Management (BLM) lands within the boundaries of the Voyageurs National Park in Minnesota. The bill further requires any land within or adjacent to the park's boundaries to be acquired through donation or exchange. This section contains similar language to H.R. 1350, which passed the House in the 115th Congress by voice vote on March 13, 2018. The RSC's legislative bulletin for H.R. 1350 can be found [here](#).

Section 2108: would confirm the boundary of the Acadia National Park, add certain requirements the Secretary of the Interior must meet prior to making future boundary revisions, reestablish the Acadia National Park Advisory Commission, repeal authorizations for the secretary to extend the park within Hancock County and Mount Desert Island, and require the secretary to allow for the traditional harvesting of marine species, in addition to implementing other provisions related to the park. This section contains similar language to H.R. 4266, which passed the House in the 115th Congress by voice vote on March 13, 2018. The RSC's legislative bulletin for H.R. 4266 can be found [here](#).

Section 2109: would allow the secretary to acquire an additional 89 acres of land for the [Home of Franklin D. Roosevelt National Historic Site](#). *Some conservatives may be concerned that the bill would allow the secretary to acquire additional federal land through purchase or exchange.*

Subtitle C—National Park System Redesignations

Section 2201: would redesignate the Saint-Gaudens National Historical Site as the Saint-Gaudens National Historical Park. This section contains similar language to H.R. 965, which passed the House in the 115th Congress by a voice vote on October 2, 2017. The RSC's legislative bulletin for H.R. 965 can be found [here](#).

Section 2202: would redesignate the small triangular property located in Washington, DC, and designated by the National Park Service as reservation 302, as "Robert Emmet Park." This section contains similar language to H.R. 1500, which passed the House in the 115th Congress by a vote of [423-0](#) on June 28, 2017. The RSC's legislative bulletin for H.R. 1500 can be found [here](#).

Section 2203: would establish the [Fort Sumter and Fort Moultrie National Historical Park](#) as a unit of the National Park System. *Some conservatives may be concerned that this would add a unit to the National Park System.*

Section 2204: would redesignate the [Reconstruction Era National Monument](#), located in South Carolina, as the Reconstruction Era National Historic Park. The bill would also require the secretary to establish a Reconstruction Era National Historic Network. This section contains similar language to H.R. 5532, which passed the House in the 115th Congress by a voice vote on September 12, 2018. The RSC's legislative bulletin for H.R. 5532 can be found [here](#). *Some conservatives may be concerned the bill would establish the Reconstruction Era National Monument, as a unit of the National Park Service.*

Section 2205: requires the secretary to establish a program to commemorate and interpret the Transcontinental Railroad. *Some conservatives may not believe this is an appropriate function of the federal government.*

Section 2206: would remove the Pearl Harbor National Memorial from the existing [World War II Valor in the Pacific National Monument](#), establish the Pearl Harbor National Memorial in Hawai'i as a separate unit of the National Park System, and redesignate the Honouliuli National Monument, as designated by President

Barack Obama in 2015, as the Honouliuli National Historic Site. It would also redesignate the areas of the World War II Valor in the Pacific Monument located in California and Alaska, as the Tule Lake National Monument and the Aleutian Islands World War II National Monument, respectively. This section contains similar language to H.R. 5706, which passed the House in the 115th Congress by a voice vote on November 13, 2018. The RSC's legislative bulletin for H.R. 5706 can be found [here](#). *The section would not result in a change of management of either site, as both sites are already managed by the National Park System.*

Subtitle D—New Units of The National Park System

Section 2301: would establish the [Medgar Evers Home](#) National Monument as part of the National Park System. This section contains similar language to H.R. 4895, which passed the House in the 115th Congress by a voice vote on May 15, 2018. The RSC's legislative bulletin for H.R. 4895 can be found [here](#). *Some conservatives may be concerned that the bill would add the Medgar Evers Home National Monument to the National Park System.*

Section 2302: would establish the Mill Springs Battlefield National Monument in Kentucky. This section contains similar language to H.R. 5979, which passed the House in the 115th Congress by a voice vote on July 23, 2018. The RSC's legislative bulletin for H.R. 5979 can be found [here](#). *Some conservatives may be concerned the bill would establish the Mill Springs Battlefield National Monument, as a unit of the National Park Service.*

Section 2303: would establish the Camp Nelson Heritage National Monument in Kentucky, as a unit of the National Park System. This section contains similar language to H.R. 5655, which passed the House in the 115th Congress by a voice vote on June 5, 2018. The RSC's legislative bulletin for H.R. 5655 can be found [here](#). *Some conservatives may be concerned the bill would establish Camp Nelson Heritage National Monument as a new unit of the National Park System.*

Subtitle E—National Park System Management

Section 2402: would amend the Omnibus Parks and Public Lands Management Act of 1996 to reauthorize Historic Preservation Fund activities that pertain to the preservation and restoration of historic structures and buildings on the campuses of Historically Black Colleges and Universities (HBCUs). This section contains similar language to H.R. 1135, which passed the House in the 115th Congress by a voice vote on June 27, 2017. The RSC's legislative bulletin for H.R. 1135 can be found [here](#). *The bill would renew the authorization for the HBCU grant program under the Historic Preservation Fund, which expired in 2008. Appropriations have not been made for the program since the authorization expired.*

Section 2403: would authorize the District of Columbia's mayor and the National Park Service's director to enter into cooperative management agreements for the operation, management, and improvement of National Park Service (NPS) units located within D.C. This section contains similar language to H.R. 2897, which passed the House in the 115th Congress by a voice vote on January 16, 2018. The RSC's legislative bulletin for H.R. 2897 can be found [here](#).

Section 2404: would allow the Secretary of the Interior to collect fees for the provision of medical services within a national park or by National Park Service personnel outside of a national park and would establish the National Park Medical Services Fund. This section contains similar language to H.R. 3607, which passed the House in the 115th Congress by a voice vote on April 16, 2018. The RSC's legislative bulletin for H.R. 3607 can be found [here](#).

Section 2405: would allow for the Secretary of the Interior to grant to state or local governments easements or rights-of-way over federal land within the [Gateway National Recreation Area](#) for construction and operation of projects to prevent flooding and shoreline erosion. This section contains similar language to

H.R. 6666, which passed the House in the 115th Congress by a voice vote on April 14, 2018. The RSC's legislative bulletin for H.R. 6666 can be found [here](#).

Section 2406: would establish the Adams Memorial Commission and transfer authorities and responsibilities from the Adams Memorial Foundation, currently codified under [Public Law 10762](#), to the commission to establish a memorial to honor John Adams in Washington, D.C. This section contains similar language to H.R. 1220, which passed the House in the 115th Congress by a voice vote on July 23, 2018. The RSC's legislative bulletin for H.R. 1220 can be found [here](#).

Section 2408: would allow the State of New Jersey to transfer the James J. Howard Marine Sciences Laboratory to the National Oceanic and Atmospheric Administration (NOAA).

Section 2409: would prohibit the promulgation of a regulation that prohibits an individual from transporting bows that are not ready for immediate use within a vehicle across any NPS unit.

Section 2410: would allow the Secretary of the Interior to use qualified volunteers to assist in wildlife management if necessary to reduce the size of a wildlife population.

Subtitle F – National Trails and Related Matters

Section 2501: would extend the North Country National Scenic Trail to connect to the Appalachian National Scenic Trail. The bill would also reroute the trail around a Minnesotan swamp. This section contains similar language to H.R. 1026, which passed the House in the 115th Congress by a voice vote on June 5, 2018. The RSC's legislative bulletin for H.R. 1026 can be found [here](#). S. 47 does not include the sections related to land acquisition or energy. *Some conservatives may be concerned the bill would extend the North Country National Scenic Trail by an additional 239 miles.*

Section 2502: would extend the [Lewis and Clark National Historic Trail](#) to 4,900 miles from 3,700 miles. This section contains similar language to H.R. 3045, which passed the House in the 115th Congress by a voice vote on July 23, 2018. The RSC's legislative bulletin for H.R. 3045 can be found [here](#). *Some conservatives may be concerned the bill would extend the Lewis and Clark National Historic Trail by 1,200 miles.*

Section 2504: would require the [Pike National Historic Trail](#) to be considered for designation as a [national scenic trail](#).

TITLE III – Conservation Authorizations

Section 3001: would reauthorize the Land and Water Conservation Fund. The bill would permanently reauthorize the deposit functions of the fund, [which expired on October 1, 2018](#). It also would require at least 40 percent of annual funds to be used to provide financial assistance to the states. The provision ensuring the federal government receives at least 40 percent is retained.

The Land and Water Conservation Fund (LWCF) was established in 1964 to fund the purchase of public lands for recreational use by federal agencies and states. The LWCF is funded by a number of different sources. According to CRS, the LWCF's authorizing language provides for "\$900 million in specified revenues to be deposited annually into the LWCF (54 U.S.C. §200302). Under these provisions, the fund accumulates revenues of \$900 million annually from three sources: (1) surplus property sales; (2) the federal motorboat fuel tax; and (3) revenues from oil and gas leases on the outer continental shelf (OCS). Since the early 1990s, nearly all revenues deposited in the LWCF have been from OCS receipts."

In annual appropriation bills, Congress appropriates money out of the fund for, according to CRS, "three general purposes: (1) as the principal source of monies for land acquisition by the four major federal land

management agencies—the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), National Park Service (NPS), and Forest Service (FS); (2) as a matching grant program to assist states in recreational planning, acquiring recreational lands and waters, and developing outdoor recreational facilities; and (3) for other federal programs with related purposes, such as the Forest Legacy program (FS) and grants under the Cooperative Endangered Species Conservation Fund (FWS.)” The largest amount of funding from the fund is appropriated for federal land acquisition activities.

In FY 2018, \$488 million was [appropriated](#) from the LWCF. There is about \$20 billion in [unspent funds](#) accrued in the LWCF. While the authority to appropriate funds from the LWCF is already permanently authorized, the deposit function of funds from the taxes and fees that fund LWCF is not permanently authorized under current law. This bill would make the deposit function permanent.

Some conservatives may be concerned that the bill reauthorizes the Land and Water Conservation Fund, a program eliminated by the RSC [budget](#). The federal government already owns more than [640 million acres](#), not including national monuments or marine refuges, and the National Park Service in particular has a deferred maintenance backlog of more than [\\$11.6 billion](#). This does not include the 158 [national monuments](#) that have been proclaimed by U.S. Presidents, totaling over [840 acres of land](#). Instead of adding additional lands onto the government’s already too-extensive holdings by continuing appropriations from the LWCF, some conservatives may believe Congress should begin the process of reducing its footprint.

Some conservatives may be concerned that the bill would make the deposit function of the LWCF permanent.

Some conservatives may be pleased that the bill would require that 40 percent of funds are allocated to the state matching grant program. In the past, the state matching grant program has sunk to as low as 12 percent of total LWCF funding, though when the bill was originally passed in 1965, 60 percent was dedicated to the state matching grant program. Some conservatives may believe the state matching grant program should make up an even larger portion of LWCF funds, while other conservatives believe the state matching grant program should be repealed altogether.

The bill would remove a provision that requires the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands to be considered one state and would require they receive shares of the apportionment in proportion to their populations.

The bill would require 3 percent, or at least \$15 million of the federal portion, to be used for recreational public access projects.

The bill would require the Secretary of the Interior and the Secretary of Agriculture to take the following into account when determining whether or not to acquire additional federal land: (1) the significance of the acquisition; (2) the urgency of the acquisition; (3) management efficiencies; (4) management cost savings; (5) geographic distribution; (6) threats to the integrity of the land; and, (7) the recreational value of the land. *Some conservatives believe that the federal government should not consider the acquisition of more land, as it already owns [640 million acres](#) and the National Park Service in particular has a deferred maintenance backlog of more than [\\$11.6 billion](#).*

Section 3002: would require the Secretary to establish a conservation incentives landowner education program. *Some conservatives may be concerned that this would create a new government program.*

TITLE IV – Sportsmen’s Access and Related Matters

Subtitle A—National Policy

Section 4001: would declare that it is the policy of the U.S. to (1) facilitate the expansion of hunting, fishing, and recreational shooting opportunities on federal land; and, (2) enhance aquatic systems and the

management of game species and their habitat in a manner that respects state management authority and private property rights.

Sections 4101-4105: would require all federal land to be open to hunting, fishing, and recreational shooting unless the appropriate secretary designates the land as closed to hunting, fishing and recreational shooting for public safety, administration or compliance with applicable laws. This does not apply to land that is not currently open to hunting, fishing and recreational shooting. The secretary must consult with applicable state agencies and provide public notice and opportunity for comment before closing federal land, except in an emergency. This does not apply to land closed for less than 14 days, or land covered by a special use permit. The bill would allow the appropriate secretary to lease or permit federal land for a shooting range. The bill would require the secretary to prepare a list of the land that would allow public hunting, fishing, or recreation, but there is no public access to the land.

Section 4201: would require federal agencies to publish online payments made for attorneys' fees and other expenses in civil or administrative proceedings. This section contains similar language to H.R. 752, which passed the House in the 116th Congress by voice vote on February 7, 2019. The RSC's legislative bulletin for H.R. 752 can be found [here](#). S. 47 expands upon the requirements of H.R. 752, including annual reports to Congress, and that amounts paid through [31 U.S.C. 1304](#) are also made publicly available.

Subtitle D—Migratory Bird Framework and Hunting Opportunities for Veterans

Section 4301: would establish January 31 as the federal closing date of the hunting season for ducks, mergansers and coot and allow youths, veterans, and active duty military to hunt them during the first weekend in February. The bill would prohibit the Secretary of the Interior from decreasing the length of the hunting season or bag limit below that of the 2017-2018 hunting season in certain locations. This section contains similar language to H.R. 6013, which passed the House in the 115th Congress by a voice vote on September 25, 2018. The RSC's legislative bulletin for H.R. 6013 can be found [here](#).

Subtitle E – Miscellaneous

This subsection ensures this title does not: (1) affect Indian tribe treaties or rights; (2) affect laws related to migratory birds or endangered species; (3) provide preference to hunting, fishing or recreational shooting over any other federal land use; (4) authorize a permit requirement; or, (5) affect state responsibilities.

TITLE V – Hazards and Mapping

Section 5001: would establish the National Volcano Early Warning and Monitoring System. The section would establish a volcano watch office, a national volcano center, an advisory committee and a grant program. This section would authorize \$55 million for the period of fiscal years 2019 through 2023. *Some conservatives may be concerned that this section would establish new programs, including a grant program.*

Section 5002: would reauthorize the [National Cooperative Geologic Mapping Program](#) through 2023. This section contains similar language to H.R. 4033, which passed the House in the 115th Congress by a voice vote on November 13, 2018. The RSC's legislative bulletin for H.R. 4033 can be found [here](#).

TITLE VI – National Heritage Areas

Section 6001: *Some conservative may be concerned that the bill would establish the following [National Heritage Areas](#), to be coordinated by local coordinating entities:*

- [Appalachian Forest National Heritage Area](#): West Virginia and Maryland

- [Maritime Washington National Heritage Area](#): Washington
- [Mountains to Sound Greenway National Heritage Area](#): Washington
- [Sacramento-San Joaquin Delta National Heritage Area](#): California
- [Santa Cruz Valley National Heritage Area](#): Arizona
- [Susquehanna National Heritage Area](#): Pennsylvania

The section would allow the local coordinating entities to make grants, and to hire and compensate staff. The bill does not allow the local coordinating entity to acquire property with federal funds. This section would appropriate \$10 million, for each National Heritage Area, of which no more than \$1 million may be made available in any fiscal year. The bill also would limit the federal cost share to 50 percent.

Section 6002: would expand the [Abraham Lincoln National Heritage Area](#) by one additional county and two additional cities. *Some conservatives may be concerned the bill would expand a National Heritage Area.*

Section 6003: would require a study to assess the suitability and feasibility of establishing a Finger Lakes National Heritage Area in New York. *Some conservatives may be concerned that this could result in the addition of a new National Heritage Area.*

Section 6004: *Some conservatives may be concerned that the bill would increase or extend the authorities for the following National Heritage Areas:*

- Rivers of Steel National Heritage Area: increases the authorization from \$17 million to \$20 million
- Essex National Heritage Area: increases the authorization from \$17 million to \$20 million
- Ohio & Erie National Heritage Canalway: increases the authorization to \$20 million
- Blue Ridge National Heritage Area: increases the authorization from \$12 million to \$14 million and extends the authority of the secretary to provide assistance through fiscal year 2021
- MotorCities National Heritage Area: increases the authorization from \$10 million to \$12 million
- Wheeling National Heritage Area: increases the authorization from \$13 million to \$15 million
- Tennessee Civil War Heritage Area: extends the authority of secretary to provide assistance through fiscal year 2021
- Augusta Canal National Heritage Area: extends the authority of secretary to provide assistance through fiscal year 2021
- South Carolina National Heritage Corridor: extends the authority of secretary to provide assistance through fiscal year 2021

TITLE VII – Wildlife Habitat and Conservation

Some conservatives may believe the provisions in this title, while worthy causes, are best coordinated by state and local governments. Furthermore, some conservatives may be concerned that the bill authorizes programs that were allowed to expire.

Section 7001: would reauthorize the Partners for Fish and Wildlife Program through fiscal year 2023. The previous authorization expired in 2011.

The bill would require the Secretaries of the Army, Interior and Agriculture to plan and carry out activities on land managed by each secretary to protect water and wildlife by controlling and managing invasive species. The section would require the secretary to use at least 75 percent for on-the-ground control of invasive species, no more than 15 percent for investigation and public awareness efforts to address invasive species control and management, and no more than 10 percent for administrative costs.

The bill would reauthorize the following through 2023, of which the previous authorizations expired in 2012:

- African Elephant Conservation Act
- Asian Elephant Conservation Act

- Rhinoceros and Tiger Conservation Act

The bill would amend the Great Ape Conservation Act to allow the secretary to pay for the cost of convening a panel of experts to identify needs and priorities every five years, and to award grants. The bill would increase the authorization for administrative expenses from \$100,000 to \$150,000 and reauthorize the program through 2023. The previous authorization expired in 2010.

The bill would amend the Marine Turtle Conservation Fund to increase the amount that may be used on administrative expenses from 3 percent, or up to \$80,000, to 5 percent, or up to \$150,000. The bill would reauthorize the fund through 2023. The bill would require at least \$1.51 million be used for marine turtle conservation, and at least 40 percent to be used for freshwater turtle and tortoise conservation.

The bill would establish the Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking, the Theodore Roosevelt Genius Prize for the promotion of wildlife conservation, the Theodore Roosevelt Genius Prize for management of endangered species, the Theodore Roosevelt Genius Prize for the protection of endangered species, and the Theodore Roosevelt Genius Prize for nonlethal management of human-wildlife conflicts. The prizes would be awarded annually for technological advancements in each prize's respective area. The bill would require the secretary to offer to enter into an agreement with the National Fish and Wildlife Foundation (NFWF). The NFWF would administer the prize competition and award the cash prize from federal funds. The NFWF would be required to carry out activities to generate non-federal contributions to offset the costs of the prize competition. The NFWF would be allowed to award only one prize under each competition, unless additional cash prizes are awarded using non-federal funds. The first prize awarded under each competition would be \$100,000, with additional non-federal fund cash prizes to be determined by the secretary.

Section 7002: would reauthorize the [Neotropical Migratory Bird Conservation Act](#) through fiscal year 2023. The previous authorization expired in 2010.

Conservatives may oppose this reauthorization given that “the NMBCA program provides matching grants to Neotropical migratory bird conservation projects throughout the Western Hemisphere, with at least 75 percent of funding going to projects outside the United States.” Conservatives may think this is a waste of taxpayer money.

TITLE VIII – Water and Power

Subtitle A – Reclamation Title Transfer

Sections 8001-8007: simplifies and streamlines the process to convey certain Board of Reclamation water and power supply and delivery facilities to local ownership. The Secretary of the Interior would be allowed to convey certain Board of Reclamation water and power supply and delivery facilities to certain agencies of a state political subdivision, joint action or power agency, water users association, Indian tribe or tribal utility authority if the secretary notifies Congress and Congress does not pass a joint resolution disapproving the conveyance.

Subtitle B – Endangered Fish Recovery Programs

Section 8101-8102: would extend the authorization that allows for hydropower revenues from the [Colorado River Storage Project](#) to be used to fund the Upper Colorado and San Juan Recovery Implementation Programs. This section contains similar language to H.R. 4465, which passed the House in the 115th Congress by a voice vote on March 13, 2018. The RSC's legislative bulletin for H.R. 4465 can be found [here](#). S. 47 would also authorize \$10 million through fiscal years 2020-2023. *Some conservatives may believe the provisions in this title, while worthy causes, are best coordinated by state and local governments.*

Subtitle C – Yakima River Basin Water Enhancement Project

This subtitle would authorize phase III of the [Yakima River Basin Water Enhancement Project](#).

Subtitle D – Bureau of Reclamation Facility Conveyances

Section 8301: would authorize the Secretary of the Interior to convey certain federal property to the Arbuckle Master Conservancy District, located in Murray County, Oklahoma. This section contains similar language to H.R. 132, which passed the House in the 115th Congress by a voice vote on March 15, 2017. The RSC’s legislative bulletin for H.R. 132 can be found [here](#).

Section 8302: would require the Secretary of the Interior to convey the [Contra Costa Canal](#), acquired land, and interests and agreements for the Contra Costa Canal to the Contra Costa Water District, and convey the Rock Slough fish screen facility to the Contra Costa Water District. This section contains similar language to H.R. 6040, which passed the House in the 115th Congress by a voice vote on September 12, 2018. The RSC’s legislative bulletin for H.R. 6040 can be found [here](#).

Subtitle E – Project Authorizations

Section 8401: would extend the Equus Beds Division of the Wichita Project authorization for an additional 10 years.

Subtitle F – Modifications of Existing Programs

Section 8501: would allow water management [grants](#) to be made to Alaska and Hawai’i.

Subtitle G – Bureau of Reclamation Transparency

This subtitle would increase transparency of the Bureau of Reclamation’s repair and maintenance backlog by requiring an asset management plan to be submitted every two years. The subtitle contains similar language to H.R. 660, which passed the House of Representatives in the 115th Congress by voice vote on September 12, 2018. The RSC’s legislative bulletin for H.R. 660 can be found [here](#). *The House-passed bill included an offset that reduces the Central Valley Water Project’s authorization by \$2 million. This is not included in S. 47.*

TITLE IX – Miscellaneous

Section 9001: would require the Secretaries of the Interior, Agriculture, Commerce, and the Army, to establish an “Every Kid Outdoors Program” to provide free access to federal lands and waters for fourth grade students and certain adults. This section contains similar language to H.R. 3186, which passed the House in the 115th Congress by a voice vote on September 12, 2018. The RSC’s legislative bulletin for H.R. 3186 can be found [here](#). *The bill would codify the existing “Every Kid in a Park” [program](#).*

Section 9002: would direct the Secretary of the Interior and the Secretary of Agriculture to expedite access to federal land for requests to conduct good Samaritan search-and-recovery missions. This section contains similar language to H.R. 373, which passed the House of Representatives in the 114th Congress by a vote of [413-0](#) on April 28, 2015. The RSC’s legislative bulletin for H.R. 373 can be found [here](#).

Section 9003: would make changes to the Youth Conservation Corps [program](#) and the Public Lands Corps [program](#). The bill would allow the secretary to provide transportation to conservation project sites. The bill would provide the secretary with direct hire authority and allow for the secretary to provide educational

credit. The bill would also create an Indian Youth Service Corps. *Some conservatives may believe this is not an appropriate role of the federal government.*

Section 9004: would designate [The Nordic Museum](#) as the National Nordic Museum. The museum is not designated as a unit of the National Park Service and no federal funds are required to be expended.

Section 9005: would designate [George C. Marshall Museum](#) and [George C. Marshall Research Library](#) in Lexington, Virginia, as the National George C. Marshall Museum and Library. This section contains similar language to H. Con. Res. 33, which passed the House in the 115th Congress by a voice vote on June 7, 2017. The RSC's legislative bulletin for H. Con. Res. 33 can be found [here](#).

Section 9006: would update terms referring to minorities in the Code of Federal Regulations. This section contains similar language to H.R. 995, which passed the House in the 115th Congress by a voice vote on November 28, 2017. The RSC's legislative bulletin for H.R. 995 can be found [here](#).

Section 9007: would allow the Secretary of the Interior to annually designate at least one city as an American World War II Heritage City. This section contains similar language to H.R. 6118, which passed the House in the 115th Congress by a voice vote on December 10, 2018. The RSC's legislative bulletin for H.R. 6118 can be found [here](#).

Section 9008: would designate the [Quindaro Townsite](#) National Commemorative Site. The site would not be considered a unit of the National Park System. This section contains similar language to H.R. 5613, which passed the House in the 115th Congress by a voice vote on July 23, 2018. The RSC's legislative bulletin for H.R. 5613 can be found [here](#).

Section 9009: would designate the [National Comedy Center](#) in Jamestown, New York as the National Comedy Center. This section contains similar language to H.R. 6077, which passed the House in the 115th Congress by a voice vote on July 23, 2018. The RSC's legislative bulletin for H.R. 6077 can be found [here](#).

OUTSIDE GROUPS:

Support

- Groups in support of S. 47, *some of which support the bill except for the LWCF reauthorization*, can be found [here](#).

Oppose

- [President Trump's Budget](#) "continues the 2018 Budget proposal to reduce funding for land acquisitions, so that available resources can support existing lands and as- sets managed by DOI. The Budget **reduces land acquisition funding to \$8 million [from \$154 million]**, including balance cancellations, and would instead focus available discretionary funds on investing in and maintaining existing national parks, refuges, and public lands." It also "proposes to **eliminate** Federal land acquisition funding for the Forest Service to focus available funds on the protection and management of existing lands and assets."
- Heritage Foundation Budget [would eliminate](#) the LWCF.
- [National Taxpayers Union](#): key vote NO

COMMITTEE ACTION:

S. 47 was introduced in the Senate on January 8, 2019. On February 12, 2019, the bill was agreed to by a vote of [92-8](#).

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional authority statements are not required for bills that originate in the Senate.

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.*