



To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: June 6, 2022
Subject: Hybrid Markup of 15 bills: H.R. 263, H.R. 3081, H.R. 5444, H.R. 6063, H.R. 6181, H.R. 6337, H.R. 6707, H.R. 6734, H.R. 7002, H.R. 7025, H.R. 7075, H.R. 7612, S. 314, S. 559, and S. 789

The Natural Resources Committee will hold a hybrid markup on **Wednesday, June 8, 2022, at 10:00 a.m. EDT** in room 1324 Longworth House Office Building and via Cisco WebEx. The bills include an amendment in the nature of a substitute (ANS) to H.R. 263 (Quigley), H.R. 3081 (Armstrong), H.R. 5444 (Davids), an ANS to H.R. 6063 (McCollum), an ANS to H.R. 6181 (Gallego), an ANS to H.R. 6337 (Neguse), H.R. 6707 (Golden), H.R. 6734 (Jeffries), H.R. 7002 (Wagner), H.R. 7025 (Grijalva), H.R. 7075 (Spartz), H.R. 7612 (Levin), S. 314 (Merkley), S. 559 (Merkley), and S. 789 (Rounds).

Republican Members are encouraged to take advantage of the opportunity to participate in person from the hearing room.

Member offices are requested to notify Will Layden (Will.Layden@mail.house.gov) and Baylee Seeman (Baylee.Seeman@mail.house.gov) no later than **4:30 p.m. EDT on Tuesday, June 7, 2022**, if their Member intends to participate in person in the hearing room or remotely via his/her laptop from another location. Members may vote either by electronic device in the hearing room or by voice (while visible) if participating remotely.

Submissions for the hearing record must be submitted through the Committee's electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (EverettWinnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Instead of tackling any of the major crises plaguing our country and impacting millions of Americans – sky-high energy costs, rampant inflation, drought in the west, catastrophic wildfires, and a crisis at our southern border with serious humanitarian and environmental impacts, to name a few - the Democrat majority has instead chosen to spend time focusing on the regulation of pet lions and tigers.

- While Republicans have introduced numerous bills that will lower gas prices and promote American energy independence, increase water supplies, improve the health of our public lands and reduce catastrophic wildfires, Committee Democrats refuse to give these bills the hearings or markups necessary to advance through the legislative process.
- Bills expected to move by regular order are H.R. 263, the *Big Cat Public Safety Act* (Quigley), H.R. 5444, the *Truth and Healing Commission on Indian Boarding School Policies Act* (Davids), H.R. 6063, *a bill to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois* (McCollum), H.R. 6181, the *Samish Indian Nation Land Reaffirmation Act* (Gallego), H.R. 6707, the *Advancing Equality for Wabanaki Nations Act* (Golden), and H.R. 7612, the *Desalination Research Advancement Act* (Levin), S. 314, the *Klamath Tribe Judgement Fund Repeal Act*, and S. 559, the *Grand Ronde Reservation Act*.
- Bills expected to move by unanimous consent are H.R. 3081, *to make certain irrigation districts eligible for Pick-Sloan Missouri Basin program pumping power* (Armstrong), H.R. 6337, the *Biking on Long-Distance Trails Act* (Neguse), H.R. 6734, the *Keep America's Refuges Operational Act of 2022* (Jeffries), H.R. 7002, the *Gateway Solidarity Act* (Wagner), H.R. 7025, the *Advancing Human Rights-Centered International Conservation Act of 2022* (Grijalva), H.R. 7075, the *Ukrainian Independence Park Act of 2022*, and S.789, the *Repealing Existing Substandard Provisions Encouraging Conciliation with Tribes (RESPECT) Act* (Rounds).

II. EXPECTED LEGISLATION

[H.R. 263 \(Quigley\), Big Cat Public Safety Act](#)

H.R. 263 would allow the Lacey Act to supersede or pre-empt a state's authority to regulate big cats within that state. Currently, the Lacey Act limits who can engage in interstate commerce of big cats. This legislation would require that big cats exhibited at U.S. Department of Agriculture (USDA)-licensed or USDA-registered facilities to be at least fifteen feet from the public or behind a permanent barrier. This requirement does not have an implementation period. Under the bill, facilities that are not in compliance with the new requirements set by the bill prior to enactment would be subject to fines and/or jail time.

The bill would mandate all persons or entities that currently possess big cats to register each animal with the U.S. Fish and Wildlife Service (USFWS) within 180 days of enactment in order to keep the animals. In addition, it requires owners to certify that they will not breed, acquire, or sell any big cats, and will prohibit direct public contact. All requirements mandated in the bill would overlay, and in some cases duplicate, current USDA requirements and pre-empt state authorities.

H.R. 263 has 256 cosponsors, including 52 Republicans. Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). *The Ranking Member opposes this bill, and it is expected to move by regular order.*

Staff contacts: Kiel Weaver (Kiel.Weaver@mail.house.gov) or Annick Miller (Annick.Miller@mail.house.gov).

H.R. 3081 (Armstrong), To make certain irrigation districts eligible for Pick-Sloan Missouri Basin Program pumping power

H.R. 3081 would make certain irrigation districts in North Dakota eligible to receive project use power from the federal Pick-Sloan (Pick-Sloan) Missouri Basin Program, which includes projects for flood control, navigation, irrigation of more than 3 million acres of land, a supplemental water supply to nearly 700,000 acres of land, hydropower generation from plants with a total installed capacity of about 2.5 million kilowatts, municipal and industrial water supplies, stream-pollution abatement, sediment control, preservation and enhancement of fish and wildlife, and creation of recreation opportunities.^[1] The priority use for the hydropower that Pick-Sloan produces is for authorized irrigation projects. This power, referred to as “project use power” or PUP, is used for pumping water from a river or a ditch for gravity flow to irrigated land. Under the laws governing this program, PUP is only available to federal water projects (unless otherwise authorized by Congress) and is generally less expensive than other federal hydropower rates and commercial electricity.^[2]

Specific to North Dakota, Congress passed the Dakota Water Resources Act of 2000 (DWRA, P.L. 89-108), which authorized the Secretary of the Interior to develop certain areas for irrigation, including up to 28,000 acres of irrigation agriculture outside of the Hudson Bay/Devils Lake Basin in areas of North Dakota.^[3] This marked a continued reduction in the authorized acres for irrigation in North Dakota from the original assessment of 1.2 million acres in the Flood Control Act of 1944.^[4] The DWRA allows for authorized irrigation development to be eligible for Pick-Sloan PUP rates. While Reclamation ultimately did not develop the area described in DWRA for federal irrigation, the area included existing irrigation districts that had been privately developed.^[5] As part of the DWRA requirements, Reclamation produced a findings report related to the 28,000 undesignated acres in which it stated that “there are a number of other existing districts interested in receiving project pumping power, as authorized in Section 5(a)(4) of DWRA of 2000.”^[6] The bill would clarify that those irrigation districts are eligible for PUP rates.

^[1] U.S. Bureau of Reclamation, Pick-Sloan Missouri Basin Program, <https://www.usbr.gov/projects/index.php?id=380>.

^[2] U.S. Bureau of Reclamation, An Overview of the Pick-Sloan Missouri Basin Program, https://www.usbr.gov/gp/multimedia/publications/pick_sloan_overview.pdf.

^[3] [Advisory Council on Community Renewal Act](#) (114 Stat. 2763; Pub. L. 106-554).

^[4] *Id.*

^[5] Finding of Economic, Financial and Engineering Feasibility as it Relates to the 28,000 Undesignated Acres, for the Garrison Diversion Unite, Required by the Dakota Water Resource Act of 2000, https://republicans-naturalresources.house.gov/uploadedfiles/2005_irrigation_report.pdf.

^[6] *Id.*

The bill does not have any cosponsors. Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). *The Ranking Member supports this bill, and it is expected to move by unanimous consent.*

Staff contacts: Kiel Weaver (Kiel.Weaver@mail.house.gov) or Annick Miller (Annick.Miller@mail.house.gov).

H.R. 5444 (Davids), Truth and Healing Commission on Indian Boarding School Policies Act

H.R. 5444 would establish a 10-member commission, appointed by the Executive and Legislative branches of government, to document, investigate, and provide recommendations on actions that the federal government can take to address harms brought by Indian boarding school policies.

Although private and religious boarding schools were a part of many eastern tribes' experiences in the first half of the nineteenth century, it is the federal boarding schools that have had the greatest impact on Indian education and history.¹ In 1860, the first Indian boarding school was established on the Yakama Reservation in Washington.²

In concurrence with assimilation policies during the nineteenth century, the boarding school curriculums subjected Indian children to forced school attendance, inadequate living conditions, and deprivation of their culture. In 1891, Congress authorized the U.S. Commissioner of Indian affairs to “make and enforce... such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit.”³ In 1893, Congress authorized the Bureau of Indian Affairs to “withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year.”⁴

Today, the Bureau of Indian Education (BIE) provides education support to about 45,000 students in 23 states through its 183 elementary and secondary schools located on or near Indian reservations.⁵ Of these schools, the majority (130) are operated by tribes through BIE grants, while 53 schools are directly operated by BIE.⁶ Together, these schools serve approximately 7 percent of the Native American student population.⁷

¹ History and Foundation of American Indian Education. Stan Juneau, Walter Fleming, and Lance Foster. https://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Indian%20Education%20101/History_FoundationAminIndianEd.pdf. At 19.

² Yakima Herald-Republic, *It Happened Here: Indian Boarding School Established at Fort Simcoe* (Feb. 17, 2019), https://www.yakimaherald.com/news/local/it-happened-here-indian-boarding-school-established-at-fort-simcoe/article_c062dddc-3269-11e9-b45c-132b57505e66.html.

³ Act of Mar. 3, 1891, Ch. 543, 26 Stat. 989, 1014.

⁴ Act of Mar. 3, 1893, Ch. 209, 27 Stat. 612, 635.

⁵ FY 2023 BIE Budget Justification at BIE-GS-1, <https://www.bia.gov/sites/default/files/dup/assets/as-ia/obpm/fy2023-bie-greenbook.pdf>.

⁶ Bureau of Indian Education, Schools, <https://bie.edu/Schools/>.

⁷ *Supra* n. 25, at 5.

In June 2021, Secretary of the Interior Deb Haaland announced a plan for a boarding school initiative⁸ in which the DOI would investigate the loss of life and consequences of Indian boarding schools, with the goal to identify historical boarding school facilities and sites; the location of known and possible student burial sites located at or near school facilities; and the identities and Tribal affiliations of children interred at such locations. The DOI will collect relevant information and conduct tribal consultation. Given the existence of the DOI initiative, H.R. 5444 is likely duplicative of current efforts.

The hearing memo for H.R. 5444 may be viewed [here](#). *The Ranking Member opposes this bill, and it is expected to move by regular order.*

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov)

[ANS to H.R. 6063 \(McCollum\), To provide for the equitable settlement of certain Indian land disputes regarding land in Illinois](#)

H.R. 6063 would confer exclusive jurisdiction to the U.S. Court of Federal Claims for the Miami Tribe of Oklahoma's land claim arising under the Treaty of August 1, 1805 (Treaty of Grouseland). The court must render judgement without regard to defenses based on the passage of time, including the statute of limitations. The United States is the only entity liable for such a claim, and monetary damages are the only available remedy. Jurisdiction conferred shall expire unless a claim is filed in one year.

In 2000, the Miami Tribe of Oklahoma filed a lawsuit in federal court, asserting the tribe is the rightful owner of about 2.65 million acres of land in the Wabash River watershed in Illinois, arguing the land was granted to it under the 1805 Treaty of Grouseland.⁹ The tribe alleged the United States did not properly acquire title before the issuance of federal land patents to non-Indian landowners in Illinois.¹⁰ The State of Illinois sought to intervene and dismiss the case. In its motion to dismiss, the State argued in part that such a lawsuit may be filed against only the United States and not against private landowners. In 2001, the Tribe voluntarily withdrew its lawsuit.

H.R. 6063 would resolve the purported land claim of the Tribe by conferring exclusive jurisdiction over the tribe's claims to the Court of Federal Claims (CFC), disallowing the United States from asserting a defense against such claims based on statutes of limitation or laches, giving the Tribe one year to file its land claim in the CFC and, except for the claim against the United States in the CFC, extinguishing all other claims arising under any federal treaty, law, or agreement.

⁸ Federal Indian Boarding School Initiative letter from Secretary Haaland (June 22, 2021), <https://www.doi.gov/sites/doi.gov/files/secint-memo-esb46-01914-federal-indian-boarding-school-truth-initiative-2021-06-22-final508-1.pdf>.

⁹ Complaint for Possession of Indian Tribal Lands, Damages and Declaratory Judgment, *Miami Tribe v. Walden*, U.S. District Court for the Southern District of Illinois, filed 6/02/2000.

¹⁰ Section 1(a), Findings, of H.R. 791 (Johnson of Illinois), 107th Congress, To provide for the equitable settlement of certain Indian land disputes regarding land in Illinois.

The hearing memo for H.R. 6063 prepared by Committee Republican staff in the 116th Congress may be viewed [here](#). *The Ranking Member is aware of concerns with this bill, and the bill is expected to move by regular order.*

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov)

H.R. 6181 (Gallego), Samish Indian Nation Land Reaffirmation Act

H.R. 6181 would ratify and confirm a 2018 Bureau of Indian Affairs (BIA) NW Regional Director decision to take 6.7 acres land into trust for the Samish Indian Nation. Accompanying that decision, the BIA NW Regional Director included a *Carcieri* analysis because the Tribe was recognized after 1934.^[1] In that analysis, the NW Regional Director determined the Tribe was under federal jurisdiction in 1934 but based that decision heavily on the rationale that the present-day Samish are the descendants of the Samish and Nuwaha tribes, which were parties to the 1855 Treaty of Point Elliott. This is contrary to what federal courts have held for over 40 years as legal precedent for determining certain treaty rights to successors to the 1855 Treaty of Point Elliot.^[2] Three tribes within the State of Washington cite a concern that this could have a great impact on treaty rights which were settled in *U.S. v. Washington*. Congress can avoid intertribal disagreements surrounding settled treaty rights by simply placing the lands in trust rather than reaffirming an agency action.

The hearing memos for H.R. 6181 prepared by Committee Republican staff in the 116th Congress may be viewed [here](#) and for the 117th Congress [here](#). *The Ranking member is aware of concerns with this bill, and the bill is expected to move by regular order.*

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H.R. 6337 (Neguse), Biking on Long-Distance Trails (BOLT) Act

The outdoor recreation economy accounted for nearly 2 percent of gross domestic product (\$374.3 billion) in 2020 and more than 4 million jobs.¹¹ Biking is one of the fastest growing sectors in the outdoor recreation economy. From April 2019 to April 2020, nationwide sales of mountain bikes rose by 150 percent.¹² Market Research Future predicted the mountain bike

^[1] See *Carcieri v. Salazar* (2009) which held that land may only be taken into trust by the federal government for tribes that were under federal jurisdiction in 1934, the date of enactment of the Indian Recognition Act.

^[2] *United States v. Washington*, 476 F. Supp. 1101, 1104; *Greene v. Lujan* (No. C89-645Z, W.D. Wash. Sept. 19, 1990); *Samish Indian Nation v. United States*, 58 Fed. Cl. 114, 120 (2003).

¹¹ U.S. Bureau of Economic Analysis, “Outdoor Recreation U.S. Bureau of Economic Analysis,” Patricia Washington, Jeannine Aversa, Stanislaw Rzeznik, 2021, <https://www.bea.gov/data/special-topics/outdoor-recreation> Outdoor Recreation Roundtable, “New economic report showcases outdoor recreation economy’s strength & resiliency during difficult year,” 2021, <https://recreationroundtable.org/bea-2020-orsa-release/#:~:text=The%20Bureau%20of%20Economic%20Analysis,and%20creates%204.3%20million%20jobs>.

¹² Bicycle Retailer and Industry News, “Bike market skyrockets, with sales up 75% in April,” June 16, 2020. <https://www.bicycleretailer.com/studies-reports/2020/06/16/bike-market-skyrockets-sales-75-april#.YfMMcerMKU>

market will grow by 10 percent worldwide between now and 2027.¹³ With this huge increase in mountain bike sales, many trails on public lands are replete with riders.

The BOLT Act, H.R. 6337, is intended to meet the needs of biking enthusiasts by increasing the number of long-distance biking trails on federal lands. To accomplish this goal, the bill would direct the Departments of the Interior and Agriculture to 1) identify at least 10 long-distance bike trails; 2) identify at least 10 areas in which there is an opportunity to develop or complete long-distance bike trails; and 3) coordinate with stakeholders on the feasibility of, and resources necessary for, completing the development of such trails. A companion bill has been introduced by Senator Ben Ray Lujan (D-NM) as S. 3264.

An ANS will be offered by Subcommittee Chair Neguse. The ANS institutes an 18-month timeline for identification of new long-distance bike trails, creates a process for public comment on potential trails, and includes a provision to ensure that identified trails do not conflict with other recreational uses. The hearing memo for H.R. 6337 prepared by Committee Republican staff may be viewed [here](#). *The Ranking Member supports the bill, as amended by the ANS, and it is expected to move by unanimous consent.*

Staff contacts: Aniela Butler (Aniela@mail.house.gov) or Terry Camp (Terry.Camp@mail.house.gov)

H.R. 6707 (Golden), Advancing Equality for Wabanaki Nations Act

H.R. 6707 would extend the applicability of future federal Indian laws to the Wabanaki tribes and extend the applicability of the Indian Child Welfare Act to the Houlton Band of Maliseet Indians. Under current law, the four federally recognized tribes in the State of Maine, collectively known as the Wabanaki, are excluded from federal Indian law application.

The four federally recognized Indian tribes in Maine are the Houlton Band of Maliseet Indians, the Mi'kmaq Nation (formerly known as the Aroostook Band of Micmacs), the Passamaquoddy Tribe, and the Penobscot Nation, known collectively as the Wabanaki people, or "People of the Dawnland."¹⁴ From 1794 to the 1800s, millions of acres of Wabanaki lands were transferred from the tribes to Massachusetts and then Maine, as well as to private individuals, through a mix of treaties and other dealings.¹⁵ However, before these transfers of land, Congress passed the *Nonintercourse Act* in 1790 (P.L. 10-24).¹⁶ This law prohibited any transfer of land from Indian tribes to another state or person unless the sale or transfer was ratified through a treaty with the United States.

In 1972, the Passamaquoddy tribe filed a lawsuit challenging whether these land transfers were legal under the *Nonintercourse Act*. Prior to this lawsuit, no challenge had been made against the State of Maine as it exercised exclusive jurisdiction over the tribes. In 1975, the First Circuit

¹³ MarketResearchFuture.com, "Mountain Bike Market Size, Share, Growth," Oct. 2021, <https://www.marketresearchfuture.com/reports/mountain-bike-market-5165> (last visited Jan 27, 2022).

¹⁴ Abbe Museum, *About the Wabanaki Nations*, <https://www.abbemuseum.org/about-the-wabanaki-nations>.

¹⁵ H. Report 96-1353 accompanying H.R. 7919, the Maine Indian Claims Settlement Act 1980 at 12.

¹⁶ 25 USC 177.

ruled that the Nonintercourse Act applied to the Passamaquoddy Tribe and Penobscot Nation, even though they were not federally recognized at the time.¹⁷ The opinion also established a trust relationship between the tribes and the federal government and clarified that the two tribes are federally recognized Indian tribes.

In 1980, the *Maine Indian Claims Settlement Act* (MICSA) (P.L. 96-420) was enacted to extinguish the legal claims of the Passamaquoddy Tribe, Penobscot Nation, and Houlton Band of Maliseet¹⁸ Indians to their historic lands in Maine in exchange for trust funds to allow the tribes to purchase lands and provide general revenue and old-age pensions to their members.¹⁹ In addition, MICSA ratified the state-level *Maine Implementing Act*,²⁰ which extended state civil and criminal jurisdiction over the Passamaquoddy Tribe, Penobscot Nation, and Houlton Band of Maliseet Indians.

Notably, Section 6(h) of MICSA prohibited any federal law previously enacted for the benefit of Indian tribes from applying to tribes in the State of Maine if the law would affect state jurisdiction, with limited exceptions. Section 16(b) of MICSA similarly restrained the application of future beneficial federal Indian laws in Maine, unless the law specified that it would apply in Maine. This exclusion is unique to the Wabanaki tribes.

While the intent of H.R. 6707 is to extend future federal Indian law applicability to the Wabanaki tribes, it is critically important that the Committee work with the State of Maine on any amendments to the MICSA. The MICSA was a ratification of a settlement entered into between the tribes and the state. Congress should give deference to the State of Maine to determine which changes, if any, should be made to the MICSA. For the last forty years, the State of Maine has exercised certain jurisdiction over civil and criminal matters over all persons in the state, as well as an assumption of certain federal delegations of authorities. Unless carefully executed in close coordination with the state, new authorizations and changes to existing Indian law, may cause confusion over what the state or tribe's responsibilities are under the statutes.

The hearing memo for H.R. 6707 may be viewed [here](#). ***The Ranking Member opposes this bill, and it is expected to move by regular order.***

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov)

[H.R. 6734 \(Jeffries\), Keep America's Refuges Operational Act of 2022](#)

This bill would reauthorize for five fiscal years several USFWS programs related to volunteer services, community partnerships, donations and gifts, and educational programs.

¹⁷ <https://law.justia.com/cases/federal/appellate-courts/F2/528/370/178873/>

¹⁸ The Maine Indian Claims Settlement Act also extended federal recognition to the Houlton Band Maliseet.

¹⁹ P.L. 96-420.

²⁰ 30 M.R.S.A. 6201 et. seq.

The USFWS currently utilizes volunteers for tours, habitat restoration, plant and animal surveys, staffing refuge nature stores, and other activities.²¹ USFWS offers curriculum-based field trips as well as in-classroom seminars that are a part of the agency's educational program enhancement.²² The USFWS also utilizes cooperative agreements with stakeholders in order to carry out certain fish and wildlife habitat projects.²³

The bill has five cosponsors, including two Republicans. Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). ***The Ranking Member supports this bill, and it is expected to move by unanimous consent.***

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H.R. 7002 (Wagner), Gateway Solidarity Act

On February 24, 2022, Russia launched an aggressive and wide-ranging attack on Ukraine. Since then, the civilized world has come together to stand with Ukraine against Russia's unprovoked and unjustified invasion. To show solidarity with the people of Ukraine, countries throughout the world have illuminated monuments and buildings in blue and yellow, the colors of Ukraine's flag. International landmarks illuminated in blue and yellow include the Kennedy Center for the Performing Arts, Niagara Falls, the Sydney Opera House, the Empire State Building, the Seattle Space Needle, the Eiffel Tower, the Brandenburg Gate, and many others.²⁴ As a symbolic gesture to demonstrate the United States' support for Ukraine and its people, H.R. 7002 would authorize the Secretary of the Interior to illuminate Gateway Arch in St. Louis, Missouri in blue and yellow.

Precedent exists for illuminating federally owned structures, including the Gateway Arch, for special events and commemorations. In 2004, Congress enacted legislation requiring the Secretary of the Interior to illuminate Gateway Arch with pink lights in honor of Breast Cancer Awareness Month each October.²⁵ In 2015, Gateway Arch was illuminated gold to commemorate the 50th anniversary of the park.²⁶ In 2020, Gateway Arch was illuminated purple

²¹ U.S. Fish and Wildlife Service, *Volunteer with U.S. Fish and Wildlife Service*, <https://www.fws.gov/volunteer-opportunity#:~:text=Opportunities%20for%20All%20Activity%20Levels,store%2C%20and%20so%20much%20more>.

²² <https://www.fws.gov/story/education-programs>

²³ <https://www.acf.org/wp-content/uploads/2016/08/FWS-Cooperative-Agreement.pdf>

²⁴ The Hill, "Kennedy Center lights up in blue and yellow to show support for Ukraine," Chloe Folmar, Mar. 3, 2022,

<https://thehill.com/blogs/in-the-know/596833-kennedy-center-lights-up-in-blue-and-yellow-to-show-support-for-ukraine/>.

Niagara Falls Review, "Niagara Falls 'happy to continue to support our Ukrainian friends' during Russian invasion," Ray Spiteri, Mar. 2, 2022, <https://www.niagarafallsreview.ca/news/council/2022/03/01/niagara-falls-happy-to-continue-to-support-our-ukrainian-friends-during-russian-invasion.html>.

USA Today, "Landmarks light up for Ukraine," Mar. 15, 2022, <https://www.usatoday.com/picture-gallery/news/world/2022/02/26/landmarks-light-up-for-ukraine/6950918001/>.

²⁵ Public Law 108-348, Oct. 20, 2004.

²⁶ St. Louis Post-Dispatch "Gateway Arch turns gold for 50th anniversary," Tim O'Neill, Oct. 28, 2015, https://www.stltoday.com/news/local/metro/gateway-arch-turns-gold-for-50th-anniversary/article_9150ce80-d4d3-5505-b4d4-14ca17f8109b.html

and gold to commemorate the 100th anniversary of the ratification of the 19th Amendment.²⁷ In 2019, the Smithsonian’s National Air and Space Museum, in partnership with DOI, celebrated the 50th anniversary of Apollo 11 by projecting a full-sized, 363-foot Saturn V rocket onto the east face of the Washington Monument as well as a 17-minute show about the first moon landing.²⁸ Additionally, the White House was previously lit up in red, white, and blue to honor Olympians and Paralympians and separately for Independence Day; pink for Breast Cancer Awareness Month; green to celebrate St. Patrick’s Day; rainbow colors following the Supreme Court’s decision regarding same-sex marriage; and blue to honor police officers and separately to recognize World Autism Awareness Day.²⁹

An amendment will be offered to require the Secretary of the Interior to illuminate Gateway Arch in yellow and blue for at least 5 consecutive days within 15 days of enactment and to require that Gateway Arch be illuminated annually on August 24 in recognition of Ukrainian Independence Day until the President reports to Congress that Russian hostilities have ceased.

The hearing memo for H.R. 7002 prepared by Committee Republican staff may be viewed [here](#). ***The Ranking Member supports this bill, as amended, and it is expected to move by unanimous consent.***

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H.R. 7025 (Grijalva), Advancing Human Rights-Centered International Conservation Act of 2022

This bill is the result of a bipartisan House Natural Resources Committee investigation, which began in 2019, regarding the World Wildlife Foundation’s use of federal taxpayer dollars to fund eco-paramilitary forces that committed human rights violations.³⁰ H.R. 7025 would make several changes to the USFWS’s international conservation grant program, including an obligation for USFWS to consider any credible information of human rights abuses prior to awarding international assistance and sets up a process to review such allegations. The bill also includes new requirements that make grant recipients responsible for the actions of their subgrantees. An amendment may be offered to require the USFWS to consult with the State Department as it relates to consideration of potential human rights abuses prior to the awarding of a grant.

²⁷ Gateway Arch, “Gateway Arch National Park Goes Purple and Gold!,” Aug. 28, 2020, <https://www.gatewayarch.com/gateway-arch-national-park-goes-purple-and-gold/>.

²⁸ Smithsonian National Air and Space Museum, “National Air and Space Museum Recreates Launch of Apollo 11 on Washington Monument with Historic Mapping Projection Program,” July 9, 2019, <https://airandspace.si.edu/newsroom/press-releases/go-moon-announcement>.

²⁹ Fox News, “White House glows in red, white, and blue ahead of Beijing Olympics,” Kyle Morris, Feb. 3, 2022, <https://www.foxnews.com/politics/white-house-lights-in-red-white-and-blue-ahead-of-beijing-olympics>

CNN, “White House glows pink for breast cancer,” Susannah Cullinane, Oct. 2, 2017, <https://www.cnn.com/2017/10/02/politics/white-house-pink-breast-cancer/index.html>.

The Hill, “Trump to light White House blue to honor police,” Ben Kamisar, May 15, 2017, <https://thehill.com/homenews/administration/333424-trump-to-light-wh-blue-to-honor-police/>.

³⁰ World Wildlife Fund, BuzzFeed, <https://www.buzzfeed.com/tag/world-wildlife-fund>.

The bill has three cosponsors, including Committee Ranking Member Bruce Westerman (R-AR), Water, Oceans and Wildlife Subcommittee Ranking Member Rep. Cliff Bentz (R-OR) and Water, Oceans and Wildlife Subcommittee Chairman Jared Huffman (D-CA). Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). ***The Ranking Member supports the bill, and it is expected to move by unanimous consent.***

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H.R. 7075 (Spartz), Ukrainian Independence Park Act of 2022

As a symbolic gesture to demonstrate the United States’ support for Ukraine in the face of Russia’s senseless and unwarranted aggression, H.R. 7075 bestows the name “Ukrainian Independence Park” to an unnamed, prominent location in Washington, D.C., currently owned by the National Park Service (NPS) and with special significance to Ukrainian-Americans. The park already contains a Congressionally authorized statue of Taras Shevchenko, a notable Ukrainian poet and fighter for Ukrainian independence, who spent many years imprisoned for his pro-Ukrainian independence activities in tsarist Russia.³¹ The park and Shevchenko Memorial have served as a rallying point for the Ukrainian-American community for several years. A similar statue of Taras Shevchenko can be found in the Ukrainian capital, Kyiv, and throughout other parts of Ukraine. As Russia has undertaken their vicious assault, they’ve targeted Ukrainian cultural sites and recently Russian troops shot holes in the head of a Taras Shevchenko bust located in Borodyanka in the Kyiv region.³²

Unfortunately, despite this location’s importance to Ukrainian-Americans, it is officially known as NPS Reservations 360 and 57D. Formally providing the park with a proper name will further symbolize the United States’ admiration and continuing support of Ukraine. The bill also authorizes the NPS to post signage in the park about the importance of Ukraine’s independence, freedom, and sovereignty, and the solidarity between the people of Ukraine and the United States. Precedent exists for providing formal names to small NPS parks in Washington, D.C. In 2019, through the *John D. Dingell, Jr. Conservation Management, and Recreation Act*, Congress conferred the name “Robert Emmet Park” on a small triangular park near the Embassy of Ireland that contains a statue of the Irish hero, Robert Emmet.

H.R. 7075 enjoys the support of 117 bipartisan cosponsors and is endorsed by several Ukrainian organizations including the Ukrainian Congress Committee of America, the U.S.-Ukraine Foundation, the U.S.-Ukraine Business Council, the Ukrainian National Women’s League of America, the Ukrainian American Bar Association, the Ukrainian American Credit Union Association, the Ukrainian American Citizens Association, and the Ukrainian National Association.

³¹ National Park Service, *Taras Shevchenko Memorial*, (Nov. 24, 2020) <https://www.nps.gov/places/000/taras-shevchenko-memorial.htm>.

³² UNESCO, *Damaged cultural sites in Ukraine verified by UNESCO*, (Apr. 19, 2022), <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco#:~:text=As%20of%2011%20April%2C%20UNESCO,11%20monuments%20and%201%20library.>

An amendment will be offered to insert a legislative map and make other technical corrections to the bill. The hearing memo for H.R. 7075 prepared by Committee Republican staff may be viewed [here](#). ***The Ranking Member supports this bill, as amended, and it is expected to move by unanimous consent.***

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H.R. 7612 (Levin), Desalination Research Advancement Act

The bill would reauthorize Section 3 of the Water Desalination Act of 1996, which provides grants for desalination research and development work. Funding for this section, which expired in 2021, was authorized at \$5 million per fiscal year.^[7] H.R. 7612 would increase that funding authorization to \$20 million per year for fiscal years 2022 through 2026. In addition, the bill increases to \$15 million, from \$1 million, the amount that could be awarded to institutions of higher education, including United States-Mexico binational research foundations. Examples of recent funding recipients can be found [here](#).

Reclamation requested \$5.7 million in Fiscal Year 2023 for Reclamation's Office of Desalination and Water Purification Research (DWPR).^[8]

The bill has one cosponsor, Rep. Nancy Mace (R-SC). Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). ***The Ranking Member opposes this bill, and it is expected to move by regular order.***

Staff contacts: Kiel Weaver (Kiel.Weaver@mail.house.gov) or Annick Miller (Annick.Miller@mail.house.gov).

S. 314 (Merkley), Klamath Tribe Judgment Fund Repeal Act

S. 314 would repeal the 1965 Klamath Judgment Fund Act,³³ which provided for the disposition of judgment funds for the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians (collectively the Klamath Tribes). The bill also directs the Secretary of the Interior to disburse to the Klamath Tribes any balance of any funds that were set aside for legal fees, administration and per capita trust accounts. According to the Congressional Budget Office (CBO), this bill affects approximately \$600,000 remaining in the Klamath Judgment Fund for approximately 200 tribal members or their next of kin the Department of the Interior says it cannot locate.³⁴ It is

^[7] 42 U.S.C. Ch. 109.

^[8] Budget Justifications and Performance information Fiscal Year 2023, Bureau of Reclamation, <https://www.usbr.gov/budget/2023/FY-2023-Bureau-of-Reclamation-Budget-Justifications.pdf>.

³³ P.L. 89-224, 25 U.S.C. 565 et seq.

³⁴ S.314 (117th Congress), Cong. Budget Office estimate (March 19, 2021) <https://www.cbo.gov/system/files/2021-03/s314.pdf>.

unclear whether enactment of this bill might give rise to claims from individuals who say they have a right to these monies.

The hearing memo for S. 314 prepared by Committee Republican staff in the 116th Congress may be viewed [here](#). *The Ranking Member is aware of concerns and the bill is expected to move by regular order.*

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov)

S. 559 (Merkley), To amend the Grand Ronde Reservation Act

S. 559 would amend the Grand Ronde Reservation Act to reflect that the Grand Ronde Tribe's extinguishment of land claims against the United States only applies to an 84-acre parcel of land, known as the Thompson Strip. The bill also would add a gaming prohibition to any future land received as part of a land claims settlement.

In 1988, the Bureau of Land Management (BLM) discovered that several surveying errors had been made along the southeast boundary of the Grand Ronde tribe's reservation. On the realization of the error, the BLM contacted the Tribe to correct the situation. In 1994, the Tribe and BLM agreed to a land transfer, which Congress included as part of a larger Indian technical corrections bill.³⁵

While the Tribe received compensatory lands under this law, it was determined that the "extinguishment of claims" phrase used in the bill included all potential and future land claims within the State of Oregon, not just on the 84-acre Thompson strip parcel. The Tribe contends that this was done in error and not intended to bar it from other potential land claims. The bill would amend current law to reflect that the Tribe is only barred from bringing a future land claim on the 84-acre Thompson Strip parcel.

The hearing memo for S. 559 prepared by Committee Republican staff in the 116th Congress may be viewed [here](#). *The Ranking Member is aware of concerns and the bill is expected to move by regular order.*

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S. 789 (Rounds), Repealing Existing Substandard Provisions Encouraging Conciliation with Tribes (RESPECT) Act

S. 789 would repeal eleven statutes enacted between 1862 and 1913 relating to Indians. From the mid-1800's to the mid-1900's which is often referred to as the "removal and reservations" and "allotment and assimilation" eras of federal Indian policy, the United States treated many tribes with aggression. In 1883, the Secretary of the Interior even stated that the goal of the Courts of Indian Offenses, which was established to prosecute Indians who participate in traditional

³⁵ P.L. 103-435; 25 USC 713f note, subsection d.

ceremonies,³⁶ was to eliminate “heathenish practices” of Indians.³⁷ During the removal and assimilation periods, the federal government attempted to assimilate the Native Americans by disrupting traditional community structures and ways of life.

In light of modern federal Indian policy that recognizes the unique sovereign status of Tribal governments and supports a government-to-government relationship with the United States, S. 789 formally repeals certain statutes that are antiquated and have been unenforced for decades.

The hearing memo for S. 789 may be viewed [here](#). ***The Ranking Member supports this bill, and it is expected to move by unanimous consent.***

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³⁶ National Institutes of Health, Health and Human Services, Native Voices, <https://www.nlm.nih.gov/nativevoices/timeline/364.html>.

³⁷ Cohen’s Handbook of Federal Indian law. 2012 edition. §1.04.