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# H.R. 5338 — Checkpoint Optimization and Efficiency Act of 2016 (Rep. Katko, R-NY)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 5338](#) would require the Administrator of the Transportation Security Administration (TSA) to complete an assessment of TSA's staffing allocation model to determine the necessary staffing positions at all airports in the United States at which TSA operates passenger checkpoints.

### COST:

No Congressional Budget Office (CBO) estimate is available.

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

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

## DETAILED SUMMARY AND ANALYSIS:

H.R. 5338 would express a sense of Congress that airport checkpoint wait times should not take priority over the security of passengers. The bill would require the TSA Administrator to complete an assessment of TSA's staffing allocation model, based on necessary staffing levels to maintain minimal passenger wait times, to determine the necessary staffing positions at all airports in the United States at which TSA operates passenger checkpoints. The Government Accountability Office (GAO) would be required to review TSA's staffing allocation model and report to Congress.

The TSA Administrator would be required to direct that Transportation Security Officers are assigned to passenger and baggage security screening functions and that other TSA and other appropriate personnel are utilized for tasks not directly related to security screening. The TSA Administrator would additionally be required to: (1) utilize TSA's Behavior Detection Officers to verify traveler documents, particularly at designated PreCheck lanes to ensure that such lanes are available for use and operate at maximum efficiency; (2) make every practicable effort to grant additional flexibility and authority to Federal Security Directors in matters related to checkpoint and checked baggage staffing allocation and employee overtime; (3) disseminate to air carriers, airport operators, and appropriate TSA personnel a list of checkpoint optimization best practices; (4) expand efforts to increase the public's participation in the PreCheck program; and (5) direct the Aviation Security Advisory Committee to provide recommendations within 60 days on checkpoint operations optimization.

The TSA Administrator would be required to establish a staffing advisory working group and a staffing advisory committee at the national level to coordinate and share information relating to best practices concerning TSA staffing numbers being provided to airports.

**COMMITTEE ACTION:**

H.R. 5338 was introduced on May 26, 2016 and was referred to the House Committee on Homeland Security, which did not act on the bill.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

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

# H.R. 5273 — Helping Hospitals Improve Patient Care Act of 2016, as amended (Rep. Tiberi, R-OH)

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

## FLOOR SCHEDULE:

June 7, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 5273](#) would make numerous changes to the Medicare reimbursements for certain hospital outpatient departments, changes to the number of beds in long-term care hospitals (LTCH), and other Medicare changes related to hospitals.

### COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 5273 would increase direct spending by \$50 million over the 2017-2021 period but decrease direct spending by \$14 million over the 2017-2026 period. Pay-as-you-go procedures apply because enacting the legislation would affect direct spending. Enacting the bill would not affect revenues.

### CONSERVATIVE CONCERNS:

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

### DETAILED SUMMARY AND ANALYSIS:

This bill would direct the secretary to develop a mechanism that would enable services provided in an outpatient department to be assigned to the diagnosis-related groups that are used to set payment rates for hospital inpatient services for ten surgical procedures. This would be required to be completed by January 1, 2018.

Section 3025 of the Affordable Care Act created the [Hospital Readmission Reduction Program](#) that, effective October 1, 2012, would provide incentives (through a payment penalty program) for hospitals to reduce the number of unnecessary hospital readmissions. This program does not recognize factors outside of a hospital's control that affect a patient's health and their likelihood of being readmitted, such as their socioeconomic status. This bill would establish beneficiary equity in the readmission program by allowing the secretary to assign hospitals to groups and allow for separate comparisons of hospitals within each group. These groups would be based on a hospital's overall proportion of inpatients who are dual-eligible beneficiaries. According to the Ways and Means Committee, this would create a transitional risk adjustment methodology to serve as a proxy of socioeconomic status for the Hospital Readmissions Program.

This bill would extend the [Rural Community Hospital Demonstration](#) from five years to ten years. Under the demonstration program, Medicare pays certain hospitals in rural areas on the basis of the reasonable costs they incur instead of using the payment rates determined by Medicare's Inpatient Prospective Payment System (IPPS).

The [Medicare, Medicaid, and SCHIP Extension Act of 2007](#) created a moratorium on the establishment of long-term care hospitals (LTCH) or satellite facilities, or an increase in beds in existing facilities. This bill would provide relief to LTCH by allowing facilities to qualify for a "mid-build" exception to the current

moratorium for facilities that has a binding written agreement with an outside, unrelated part for the actual construction, renovation, lease of demolition when 2007 law was enacted. CBO estimates this would increase payment to LTCH by \$20 million over the 2017-2026 period. To offset that increase, there would be a federal payment reduction for LTCH high-cost outlier payments.

The Bipartisan Budget Agreement of 2015 (BBA 15) made ineligible any provider-based (PBD) off-campus hospital outpatient departments (HOPDs) which executed a CMS provider agreement after the date of enactment of the BBA for reimbursements from CMS' Outpatient Prospective Payment System. Instead they would be eligible for separate reimbursement rates. This bill would exempt hospitals deemed to be "mid-build" on November 2, 2015 from the payment rules established under the BBA, and allow them to receive higher reimbursement rates associated with outpatient departments on the campus of a hospital. Each HOPD would have to submit certification that the facility meets the definition of "mid-build" and the secretary would be required to audit each department for compliance requirements. CBO estimates 100 hospitals were considered "mid-build" upon enactment of the BBA 15. CBO estimates that increasing payment rates for services provided in those facilities would increase net Medicare spending by \$750 million over the 2017-2026 period. H.R. 5273 would also provide an additional \$10 million in funding for implementing section 201.

This bill would exclude new off-campus facilities in cancer hospitals that are exempt from Medicare's prospective payment system from the lower payment rates established in BBA 15. This would continue their existing, separate reimbursement system. These facilities would be required to attest the facility meets the requirements for exemption and secretary would audit the compliance with regards to the requirements.

This bill would exclude ambulatory surgery centers (ASC) from being counted towards the meaningful use eligibility threshold until certified electronic health record (EHR) systems applicable to the ASC setting are available. This exemption would apply to payments made in 2017 and 2018. The Health Information Technology for Economic and Clinical Health (HITECH) Act, and subsequently the Merit- Based Incentive Payment System (MIPS) established incentives for adopting EHR systems. These incentives are phased out over time and replaced with penalties for noncompliance. While the law did not deem ASC eligible for the original incentive program, the procedures that physicians furnish in an ASC are factored into the determination of their own meaningful use of EHR. Since there are limited numbers of EHR systems for ASC, it puts physicians who practice at an ASC at a disadvantage to meeting meaningful use. The House passed similar language in [H.R. 2570](#).

The Medicare Advantage (MA) star rating system provides a relative quality score to Medicare Advantage Organizations (MAO) on a 5-star scale. The score is based on a plan's performance on selected criteria and can be used to determine bonus payments or rebates to enrollees. Some believe plans that service low income enrollees are at a disadvantage since the metrics used to score the plans can be influenced by a patient's socioeconomic status. This bill would delay until 2018 the authority of the secretary to terminate MA plans solely because the plan failed to achieve a minimum quality rating under the 5-star rating system. This delay would allow for addition time for Congress to work with CMS to ensure the rating system accounts for the socioeconomic status of enrollees. The House passed similar language in [H.R. 2582](#).

This bill would require the Secretary of Health and Human Services (HHS) to submit a report on Medicare Advantage, Part D, and fee-for-service enrollment data to Congress no later than May 1 of each year. This enrollment data would be presented by zip code, congressional district and state. The House passed similar language in [H.R. 2505](#).

Finally, this bill would require the secretary to update the [Welcome to Medicare](#) package to include information presented in a clear and simpler manner about receiving benefits through Medicare.

### **OUTSIDE GROUP SUPPORT:**

- [America's Essential Hospitals](#)
- [American Hospital Association](#)
- [Federation of American Hospitals](#)
- [Association of American Medical Colleges](#)
- [Ambulatory Surgery Center Association](#)
- [National Coalition on Health Care](#)
- [Alliance of Dedicated Cancer Centers](#)
- [Medicare Rights Center](#)

### **OUTSIDE GROUP OPPOSITION:**

- [Physician Hospitals of America](#) oppose this bill because it does not provide relief to the moratorium on expansion of physician owned hospital instituted under the ACA.
- [Coalition Letter](#)

### **COMMITTEE ACTION:**

This bill was introduced by Representative Tiberi and referred to the Committee on Ways and Means and the Committee on Energy and Commerce. The Committee on Ways and Means held a mark-up and the bill was reported out, as amended, by a voice vote.

### **ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

Clause 14 provides authority for Congress to govern the armed forces of the United States and does not enumerate any powers for Congress to make laws related to the provision or financing of healthcare services or the regulation thereof. More details on the appropriate scope of Clause 14 is available from the Heritage Foundation [here](#). Constitutional authority for Congressional action related to healthcare policy has more frequently been sourced to Article I, Section 8, Clause 3, which grants Congress the power to regulate interstate and international commerce. More information on this clause is available [here](#).

# H. Con. Res. 129 — Expressing support for the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to this goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs, as amended (Rep. Ros-Lehtinen, R-FL)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H. Con. Res. 129](#) would express a sense of Congress that Germany continue its financial support the health and welfare needs of Holocaust survivors.

### COST:

No Congressional Budget Office (CBO) estimate is available.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

### DETAILED SUMMARY AND ANALYSIS:

H. Con. Res. 129 would express that Congress: (1) acknowledges Germany's financial and moral commitment over the past seven decades to provide a measure of justice for Holocaust victims; (2) supports the goal of ensuring that all Holocaust victims in the United States and around the world are able to live with dignity, comfort, and security in their remaining years; (3) applauds the nonprofit organizations and agencies that work tirelessly to honor and assist Holocaust victims in their communities; (4) acknowledges the ongoing process of negotiations between Germany and the Conference on Jewish Material Claims Against Germany (Claims Conference) in order to secure funding for Holocaust victims and for vital social services provided through nonprofit organizations and agencies around the world; (5) acknowledges that Germany and the Claims Conference have established a new high-level working group that will develop proposals for extensive assistance for home care and other social welfare needs of Holocaust victims; (6) urges the working group to recognize the imperative of immediately and fully funding victims' medical, mental health, and long-term care needs and to do so with full transparency and accountability to ensure all funds for Holocaust victims from Germany are administered efficiently, fairly,

and without delay; and (7) urges Germany to continue to reaffirm its commitment and fulfill its moral responsibility to Holocaust victims by ensuring that every Holocaust victim receives all of the prescribed medical care, home care, mental health care, and other vital services necessary to live in dignity and by providing, without delay, additional financial resources to address the unique needs of Holocaust victims.

**COMMITTEE ACTION:**

H. Con. Res. 129 was introduced on April 21, 2016 and was referred to the House Committee on Foreign Affairs. On May 18, 2016, the bill was ordered to be reported as amended by unanimous consent.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

No constitutional authority is available.

# H.R. 4906 — To amend title 5, United States Code, to clarify the eligibility of employees of a land management agency in a time-limited appointment to compete for a permanent appointment at any Federal agency, and for other purposes (Rep. Connolly, D-VA)

CONTACT: [Rebekah Armstrong](mailto:Rebekah.Armstrong@rsc.org), 202-226-0678

## FLOOR SCHEDULE:

June 7, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 4906](#) would [amend title 5](#) to clarify the eligibility of temporary federal land management employees to compete for a permanent job at any federal agency.

### COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 4906 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No, while the legislation would expand the pool of people eligible to be hired, it would not change the total number of jobs available or the salaries paid to employees.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

Last July, Congress passed H.R. 1531, the [Land Management Workforce Flexibility Act of 2015](#), which allowed temporary seasonal workers employed by land management agencies at: (1) the Forest Service; (2) the Bureau of Land Management; (3) the National Park Service; (4) the Fish and Wildlife Service; (5) the Bureau of Indian Affairs; and (6) the Bureau of Reclamation to compete for vacant permanent positions under internal merit promotion procedures. Prior to the passage of H.R. 1531, seasonal employees could not compete for full-time, permanent jobs under the merit promotion procedures available to other federal employees. Guidance from the Office of Personnel Management (OPM) misinterpreted Congressional intent by specifying that seasonal employee could only compete as an internal candidate for positions open at their own agency, rather than at any position open to all federal employees at other agencies.

This bill would allow individuals serving as temporary employees of federal land management agencies to compete for permanent positions with any agency under internal procedures for merit promotions, thus correcting OPM's guidance.

### COMMITTEE ACTION:

This bill was introduced by Representative Connolly and referred to the House Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out by a voice vote. Read the committee report [here](#).

**ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section VIII, Clause 18

# H.R. 4904 — MEGABYTE Act of 2016 (Rep. Cartwright, D-PA)

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

## FLOOR SCHEDULE:

June 7, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 4906](#) would require the Director of the Office of Management and Budget to issue a directive to each federal agency on the management of software licenses.

### COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 4904 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

### CONSERVATIVE CONCERNS:

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

### DETAILED SUMMARY AND ANALYSIS:

The Government Accountability Office (GAO) has identified the IT Acquisition and Operations process as one of its [high-risk programs](#) because “federal IT investments too frequently fail or incur cost overruns and schedule slippages while contributing little to mission-related outcomes.” Annually, more than \$80 billion is invested in information technology and billions of dollars have been spent on failed investments.

This bill would require the director at the OMB to issue a directive instructing the chief information officer (CIO) at each executive agency to develop a comprehensive software licensing policy. This directive would identify clear roles, responsibilities, and oversight authority within the agency and require the CIO of each executive agency to: (1) establish a comprehensive inventory of license agreements; (2) regularly track and maintain software licenses; (3) analyze software usage to make cost-effective decisions; (4) provide training relevant to software license management; establish goals for the program and executive agency, and; (4) consider software life cycles. Finally, this bill would require a report from the CIO to OMB on the financial savings that resulted from improved software license management.

### COMMITTEE ACTION:

This bill was introduced by Representative Cartwright and referred to the House Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out by a voice vote. Read the committee report [here](#).

### ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

### CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the U.S. Constitution

# H.R. 1815 — Eastern Nevada Land Implementation Improvement Act (Rep. Hardy, R-NV)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 1815](#) would require the implementation of a multispecies habitat conservation plan in Lincoln County, Nevada using funds from existing special accounts available to be spent by the Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (USFWS) to facilitate land sales.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 1815 would increase spending from special Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (USFWS) accounts by \$2 million over the 2017-2026 period. The legislation also would make other changes to the management of federal lands that CBO estimates would have no significant cost. Because enacting H.R. 1815 would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues. CBO estimates that enacting H.R. 1815 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2027.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

### DETAILED SUMMARY AND ANALYSIS:

H.R. 1815 would amend the [Lincoln County Land Act of 2000](#) by requiring the implementation of a habitat conservation plan in Lincoln County, Nevada comprised of hazardous fuels reduction projects and wildfire prevention planning activities. The bill would establish cooperative agreements between BLM and Lincoln County for certain county-provided law enforcement and planning related activities approved by the Secretary of the Interior.

H.R. 1815 would stipulate that certain portions of federal land sale proceeds returned to Lincoln County would be used in part for the Lincoln County Regional Development Authority or any other County economic development organization.

The Department of the Interior would be directed to realign a specified portion of a 2,640-foot wide [Lincoln County Conservation, Recreation, and Development Act of 2004](#) (LCCRDA) utility corridor. H.R. 1815 would further affirm and validate patent number [27-2005-0081](#) issued by BLM, which adjusted the boundary line between the leased and patented lands by reconfiguring them to accommodate habitat connectivity for the desert tortoise. The bill would additionally ratify the processes used by the U.S. Fish and Wildlife Service and BLM in reconfiguring the land covered by the patent. H.R. 1815 would further authorize the Secretary of the Interior to issue a corrective patent for 7,548 acres of land in Lincoln County, Nevada.

The bill would amend the [Pam White Wilderness Act of 2006](#) by adjusting the boundary of the Mt. Moriah Wilderness and Eastern White Pine County to include specific land, and by adjusting the boundary of the High Schells Wilderness. The bill would exclude certain lands from the boundary of the Arc Dome Wilderness. The bill would additionally remove the requirement for the proceeds of the sales of certain parcels of land by the Department of the Interior to the city of Mesquite, Nevada, to be made available for the development of a multispecies habitat conservation plan. In doing so, the proceeds would be directed to the development and implementation of a conservation plan to benefit fish and wildlife species of the Virgin River in Clark County, Nevada.

The House report (H. Rept. 114-479) accompanying H.R. 1815 can be found [here](#).

**COMMITTEE ACTION:**

H.R. 1815 was introduced on April 15, 2015 and was referred to the House Committee on Natural Resources. On April 11, 2016, the bill was ordered to be reported (amended) by the committee.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: "clause 18 of section 8 of article I of the Constitution". No enumerating clause was provided.

# H.R. 87 — Shiloh National Military Park Boundary Adjustment and Parker’s Crossroads Battlefield Designation Act (Rep. Blackburn, R-TN)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 87](#) would modify the boundary of the Shiloh National Military Park located in Tennessee and Mississippi, and would establish the Parker’s Crossroads Battlefield as an affiliated area of the National Park System.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would cost \$2 million to \$5 million over the 2017-2021 period, assuming the land specified in the bill was acquired with appropriated funds over the next five years. Based on information from the National Park Service (NPS), the cost of developing the management plan required by the legislation would be insignificant.

### CONSERVATIVE CONCERNS:

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

## DETAILED SUMMARY AND ANALYSIS:

H.R. 87 would modify the boundary of the Shiloh National Military Park to include land affiliated with the Fallen Timbers Battlefield, the Russell House Battlefield, and the Davis Bridge Battlefield. The bill would authorize the Secretary of the Interior to acquire lands by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

H.R. 87 would also establish Parker’s Crossroads Battlefield in Tennessee as an affiliated area of the National Park System. The City of Parkers Crossroads and the Tennessee Historical Commission would jointly be the management entity for the affiliated area. Nothing in the bill would authorize the Secretary of the Interior to acquire property at the affiliated area or to assume overall financial responsibility for the operation, maintenance, or management of the affiliated area. The bill would further direct the Secretary of the Interior to develop a general management plan for the affiliated area and submit it to Congress. The House report (H. Rept. 114-516) accompanying H.R. 87 can be found [here](#).

## COMMITTEE ACTION:

H.R. 87 was introduced on January 6, 2015 and was referred to the House Committee on Natural Resources. On April 25, 2016, the bill was ordered to be reported by the committee.

## ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

## CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 of the Constitution provides that “The Congress shall have Power to dispose

of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

# H.R. 2733 — Nevada Native Nations Land Act (Rep. Amodei, R-NV)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 2733](#) would require the Secretary of the Interior to take land in Nevada into trust for certain Indian tribes.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would not have a significant effect on the federal budget. Under current law, CBO expects that programs to develop federally owned natural resources on some of the lands to be conveyed will generate receipts, particularly from grazing permits. The federal budget does not recognize any such receipts from land that is held in trust. Thus, CBO estimates that conveying those lands would reduce offsetting receipts (which are treated as increases in direct spending); however, CBO estimates that such losses would be insignificant.

Because enacting H.R. 2733 would increase direct spending, pay-as-you-go procedures apply. Enacting H.R. 2733 would not affect revenues. CBO estimates that enacting H.R. 2733 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the next four consecutive 10-year periods beginning in 2027.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

### DETAILED SUMMARY AND ANALYSIS:

H.R. 2733 authorizes land conveyances between the federal government and various tribes in Nevada to include: (1) approximately 19,094 acres of land managed by the Bureau of Land Management (BLM) to be held in trust for the benefit of the Fort McDermitt Paiute and Shoshone Tribe; (2) approximately 82 acres of land managed by the United States Forest Service (USFS) to be held in trust for the benefit of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation; (3) approximately 941 acres of land managed by BLM to be held in trust for the benefit of the Summit Lake Paiute Tribe; (4) approximately 13,434 acres of land managed by BLM to be held in trust for the benefit of the Reno-Sparks Indian Colony; (5) approximately 6,357 acres of land managed by BLM to be held in trust for the benefit of the Pyramid Lake Paiute Tribe; and, (6) approximately 31,229 acres of land managed by BLM to be held in trust for the benefit of the Duckwater Shoshone Tribe.

The Secretary of the Interior would be directed to complete a survey of the boundary lines to establish the boundaries of the land taken into trust for each Indian tribe. Land taken into trust under the bill would not be eligible, or considered to have been taken into trust, for [class II gaming or class III gaming](#). The Secretary, of the Interior in consultation with the applicable Indian tribe, would be authorized to carry out

any fuel reduction and other landscape restoration activities, including restoration of sage grouse habitat, on the land that is beneficial to the Indian tribe and BLM.

The House report (H. Rept. 114-487) accompanying H.R. 2733 can be found [here](#).

**COMMITTEE ACTION:**

H.R. 2733 was introduced on June 11, 2015 and was referred to the House Committee on Natural Resources. On April 12, 2016, the bill was ordered to be reported by the committee.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

# H.R. 3070 — EEZ Transit Zone Clarification and Access Act (Rep. Zeldin, R-NY)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 3070](#) would authorize the Secretary of Commerce to permit recreational fishing for Atlantic striped bass in the Block Island Sound Exclusive Economic Zone (EEZ) Transit Zone between the eastern tip of Long Island and the coast of Rhode Island.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that there would not be budgetary consequences of maintaining or lifting this fishing ban in federal waters, aside from administrative costs of issuing regulations, which CBO estimates would be insignificant.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

### DETAILED SUMMARY AND ANALYSIS:

H.R. 3070 would authorize the Secretary of Commerce, in consultation with the Atlantic States Marine Fisheries Commission, to issue regulations to permit and regulate recreational Atlantic striped bass fishing in the Block Island Sound Transit Zone. Nothing in the bill would affect any permit that is issued under any other provision of law by the National Oceanic and Atmospheric Administration (NOAA), and that already authorizes fishing in the Block Island Sound Transit Zone.

The House report accompanying H.R. 3070 (H. Rept. 114-517) can be found [here](#).

### COMMITTEE ACTION:

H.R. 3070 was introduced on July 15, 2015 and was referred to the House Committee on Natural Resources. On April 25, 2016, the bill was ordered to be reported (amended) by the committee.

### ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

### CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the United States Constitution." No enumerating clause was listed.

# H.R. 3826 — Mount Hood Cooper Spur Land Exchange Clarification Act (Rep. Walden, R-OR)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 3826](#) would revise details of the Mount Hood Cooper Spur-Government Camp land exchange between the United States and Oregon by reducing the amount of land the United States Forest Service would be authorized to convey to the Mount Hood ski area from 120 acres to 107 acres.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would not affect the federal budget. Because CBO expects that enacting the bill would not affect whether the exchange would occur or when it would take place, CBO estimates that enacting the bill would not affect direct spending. Enacting the bill also would not affect revenues. Therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3826 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

### DETAILED SUMMARY AND ANALYSIS:

H.R. 3826 would amend the [Omnibus Public Land Management Act of 2009](#) by reducing the amount of land the United States Forest Service would be authorized to convey to the Mount Hood Cooper Spur-Government Camp, Oregon from 120 acres to 107 acres. After the final appraised value of the federal and nonfederal lands is determined and approved by Department of Agriculture, the Department would not be required to reappraise or update the final appraised value for a period of up to 3 years, unless the land is significantly and substantially altered by fire, windstorm, or other events.

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

The House report accompanying H.R. 3826 (H. Rept. 114-514) can be found [here](#).

### COMMITTEE ACTION:

H.R. 3826 was introduced on October 23, 2015 and was referred to the House Committee on Natural Resources. On April 21, 2016, the bill was ordered to be reported as amended by the committee.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

# H.R. 2009 — Pascua Yaqui Tribe Land Conveyance Act, as amended (Rep. Grijalva, R-AZ)

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

## FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 2009](#) would authorize exchanges of land and related interests among the Pascua Yaqui Indian Tribe in Pima County, Arizona, the Tucson Unified School District, and the federal government.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 2009 would have no significant effect on the federal budget. Based on information from the Department of the Interior, CBO estimates that any administrative costs incurred under the bill (which would be subject to appropriation), would not exceed \$500,000 in any year. According to the Department of the Interior, the affected lands currently generate no significant receipts and are not expected to do so over the next 10 years. Based on information from the Pima County Assessor's Office about the estimated market value of lands and interests that would be conveyed to the school district under the bill, CBO estimates that any proceeds to the federal government would total less than \$500,000. Any such amounts would be recorded as offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures apply. Enacting H.R. 2009 would not affect revenues.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

### DETAILED SUMMARY AND ANALYSIS:

H.R. 2009 authorize a land conveyance on behalf of the federal government of approximately 39.65 acres to be held in trust for the Pascua Yaqui Tribe in Pima County, Arizona. The bill would further authorize the conveyance of approximately 13.24 acres of federal lands to the Tucson Unified School District No. 1. The bill would require the Secretary of the Interior to convey approximately 27.5 acres of land to the Tucson Unified School District No. 1, if the district submits to the Secretary of the Interior an offer to acquire the federal reversionary interest in the specified lands.

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

The House report accompanying H.R. 2009 (H. Rept. 114-550) can be found [here](#).

### COMMITTEE ACTION:

H.R. 2009 was introduced on April 23, 2015 and was referred to the House Committee on Natural Resources. On May 10, 2016, the bill was ordered to be reported (amended) by the committee.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution." No enumerating clause was listed.

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