

**Legislative Bulletin.....September 28, 2004**

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38. **H.R. 5147**—Evan Asa Ashcraft Post Office Building Designation Act

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## **Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 1

**Total Cost of Discretionary Authorizations:** \$640.5 million over 5 years

**Effect on Revenue:** 0

**Total Change in Mandatory Spending:** \$0

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 3

**Number of Bills Without Committee Reports:** 17

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 10

### **S. 2363 — To revise and extend the Boys and Girls Clubs of America (Senator Hatch)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** The bill reauthorizes a program for five years and increases its authorization level to a total of \$450 million for FY 2006 through FY 2010.

The Economic Espionage Act of 1996 established a program to provide Department of Justice grant support for starting new Boys and Girls Clubs in distressed areas, with a current goal of establishing 1,200 new clubs by the end of 2005. S. 2363 will increase this goal of new clubs by 300 for a total of 1,500 clubs in distressed areas and a total of 5,000 clubs by January 1, 2010. S. 2363 extends through FY 2010 the authority of the Director of the Bureau of Justice Assistance at DOJ to make grants to the organization to establish such facilities.

**Additional Information:** The Boys Clubs of America began in 1860 and by 1906 several Boys Clubs joined together and formed the Federated Boys Club in Boston. In 1956, the Boys Clubs of America received a congressional charter and celebrated its 50th anniversary. The name was changed to the Boys and Girls Clubs of America in 1990.

The Boys and Girls Clubs of America continue to provide a positive learning environment for children throughout this country. The Clubs have numerous nationally recognized programs that address issues pertinent to today's youth. More than 25 programs are available to youngsters seeking knowledge on topics including education, leadership development, the arts, and alcohol and drug prevention. Of the several million children that benefit from the Boys and Girls Clubs of America, a large majority of these kids live in our inner cities and urban areas.

According to its annual report, in 2003, the Boys and Girls Clubs of America received \$76.8 million or 47.5 % of its funding from public grants (source: [http://www.bgca.org/whoweare/annual\\_03.pdf](http://www.bgca.org/whoweare/annual_03.pdf)).

**Committee Action:** The bill was introduced on April 29, 2004, and passed the Senate by unanimous consent on June 3. It was referred to the House Judiciary Committee, which considered the bill and reported it to full House on July 7 by voice vote.

**Cost to Taxpayers:** The bill would authorize \$450 million over 5 years for the Department of Justice's Boys and Girls Clubs Program. The program was first authorized in FY97 at \$20 million a year for five years. Congress reauthorized the program and more than tripled the authorized funding to \$70 million in FY02, and \$80 million a year from FY03-05. **In FY 2010, the final year authorized in S. 2363, the authorized funding level of \$100 million will be five times the original authorization from the 104<sup>th</sup> Congress.**

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill reauthorizes at an increased level a currently expiring program.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** The Judiciary Committee in Report Number 108-601 finds authority under Article I, Section 8 (Powers of Congress), but fails to cite a specific clause.

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## **H.R. 4319 — Title 46 Codification Act of 2004 (Sensenbrenner)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4319 would codify portions of title 46, United States Code, concerning shipping, and make technical changes to various shipping laws enforced by the Maritime Administration, the U.S. Coast Guard, and other federal agencies. The 270-page bill, according to the Committee, is a joint product of the Department of Transportation and the Office of the Law Revision Counsel of the House of Representatives, and is intended to restate existing law, by consolidating “various provisions of law, which have been enacted separately over a period of many years.” The Committee further notes, “to restate these various provisions of law as a cohesive unit, it is necessary to makes changes in organization, style, and terminology, though these changes are not intended to result in changes in substance. ... The intent in this bill is to comply with the standard for codification legislation set forth in section 285b(1) of title 2, United States Code, which provides that the restatement of existing law shall conform to ‘the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form’.”

**Committee Action:** The bill was introduced on May 10, 2004, and referred to the House Judiciary Committee, which considered the bill and reported it to full House on September 8, 2004 by voice vote.

**Cost to Taxpayers:** CBO estimates that enacting this bill would result in no cost to the federal government and would not affect direct spending or revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** According to the Committee, the bill codifies existing policy.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** The Judiciary Committee in report number 108-690 finds authority under Article I, Section 8 (Powers of Congress), but fails to cite a specific clause.

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## **H.R. 4077—Piracy Deterrence and Education Act (Smith of Texas)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**NOTE:** the bill will be amended before coming to the floor to attach the text of H.R. 1775 (designating the oak tree as the national tree).

**Summary, as amended:** H.R. 4077 would authorize the Attorney General to establish an 18-month program under which the Department of Justice would send notices to Internet Service Providers (ISPs) that warn of the penalties for copyright infringement (in cases where subscribers appear to be engaging in copyright infringement). ISPs could forward the notices to their subscribers and be reimbursed by DoJ for the costs of doing so. No more than 10,000 DoJ notices could be issued. No ISP could disclose to DoJ any identifying information about the subscriber that is the subject of a notice (except pursuant to court order or other such legal requirement).

The Attorney General would be directed to ensure that any DoJ unit responsible for investigating computer hacking or intellectual property crimes is assigned at least one agent to investigate crimes relating to the theft of intellectual property.

H.R. 4077 would also establish (within the Office of the Associate Attorney General and in conjunction with the Register of Copyrights and the Secretary of Commerce) an Internet Use Education Program to 1) educate the general public on the value of copyrighted works and the effects of the theft of such works on those who create them; and 2) inform the general public about the privacy, security, and other risks of using the Internet to obtain illegal copies of copyrighted works.

The bill would specifically authorize \$15 million in fiscal year 2005 for the investigation and prosecution of copyright violations.

The bill would create a new federal crime: the unauthorized recording of a motion picture in a motion picture exhibition facility (punishable by fines and/or up to three years in prison for the first offense and up to six years for subsequent offenses). The facility would not be liable for the illegal actions of its patrons, and facility staff could detain suspects for “a reasonable time” to question them and/or summon a law enforcement officer. This new federal crime would NOT pre-empt any state law.

H.R. 4077 would add to the definition of criminal infringement of copyright laws (potential punishments detailed in the bill) the knowing distribution, including the *offering* for distribution to the public by electronic means, with reckless disregard of the risk of further infringement, during any 180-day period, of:

- 1,000 or more copies or phonorecords of one or more copyrighted works;
- One or more copies or phonorecords of one or more copyrighted works with a total retail value of more than \$10,000; or
- One or more copies or phonorecords of one or more copyrighted pre-release works.

The ISPs would be shielded from liability for such infringements.

The United States Sentencing Commission would be instructed to review and update the sentencing guidelines and policy statements regarding several intellectual property rights crimes.

The bill explicates that altering a personal, non-commercial copy of a motion picture so that parts of its audio or video are imperceptible (e.g. “bleeping” out profanity) does not constitute a copyright violation, as long as proper notice at the start of the motion picture is provided.

Summary of H.R. 1775, as added to H.R. 4077: The bill would amend 36 U.S.C. 3 to designate the tree genus *Quercus*, commonly known as the oak tree, as the national tree.

**Additional Background, H.R. 1775:** According to the Resources Committee, the oak tree was chosen by the American people as the national tree in a four-month-long open voting process sponsored by the National Arbor Day Foundation in 2001. The oak received over 100,000 votes out of some 400,000 votes cast. On Friday, April 27, 2001, the selection of the oak as the national tree was commemorated with a ceremonial planting of an oak on the U.S. Capitol grounds. The oak’s many species are common to all 50 States, and six states (Connecticut, Georgia, Illinois, Iowa, Maryland, and New Jersey) have already named the oak as their state tree.

**Committee Action:** On March 31, 2004, H.R. 4077 was marked up by the Judiciary’s Committee’s Subcommittee on Courts, the Internet, and Intellectual Property, which forwarded the bill by voice vote to the full Committee. On September 8<sup>th</sup>, the full Committee marked up and ordered by voice vote the bill reported to the full House.

H.R. 1775 was introduced on April 11, 2004, and referred to the House Judiciary Committee, which marked up the bill and ordered it reported to the full House on September 8, 2004 by voice vote.

**Administration Position:** A representative of the FBI, in a hearing before the Subcommittee on Courts, the Internet, and Intellectual Property last year, referred to similar legislation (to H.R. 4077) as a “positive step.”

**Cost to Taxpayers:** H.R. 4077 would authorize \$15 million in FY2005, and H.R. 1775 would have no impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes—by creating a new federal crime and expanding what qualifies under existing ones.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes—two private sector mandates (related to the altering of motion pictures for private, in-home use).

**Constitutional Authority:** The Judiciary Committee, in House Report 108-700 (for H.R. 4077), cites constitutional authority in Article I, Section 8, but fails to cite a specific clause. Additionally, the Judiciary Committee, in House Report 108-689 (for H.R. 1775), finds authority under Article I, Section 8 of the Constitution, but fails to cite a specific clause. House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.Res. 752 — Expressing continued support for the construction of the Victims of Communism Memorial (Shimkus)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** The resolution has four findings and states:

“That the House of Representatives expresses continued support for the construction of the Victims of Communism Memorial.”

**Additional Information:** Section 905 of the FRIENDSHIP Act (40 U.S.C. 1003 note) authorized the construction of a memorial to honor the victims of communism, and in 2004, a location for the Victims of Communism Memorial is to be selected and construction of the Memorial in the District of Columbia is scheduled to begin. According to the resolution’s findings “construction of the Memorial is supported by the Baltic-American community and other ethnic communities in the United States.”

**Committee Action:** The resolution was introduced on July 22, 2004, and referred to the House Committee on Resources, where the Subcommittee on National Parks, Recreation and Public Lands considered the bill and reported it to the full committee. The full committee did not consider it.

**Cost to Taxpayers:** None.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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## **H.R. 3954 — Rancho El Cajon Boundary Reconciliation Act (Hunter)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3954 directs the Secretary of the Interior to compensate private landowners whose title to certain land in San Diego County, California, is rendered void because of an erroneous federal survey conducted in 1881. The compensation can either be in the form of land conveyed or a cash payment or both.

The 1881 survey conducted by a Government contractor is rendered void because that title is inferior to the title to the same land established by a survey of the Rancho El Cajon conducted in 1872 and approved by the Commissioner of the General Land Office in 1876.

**Committee Action:** The bill was introduced on March 11, 2004, and referred to the Committee on Resources, which considered the bill and reported it to full House on July 14, 2004 by unanimous consent.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 3954 would not significantly affect the federal budget. The Secretary may make payments using funds available to the Secretary to equalize land exchanges under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)). Based on information from the Bureau of Land Management about the estimated value of the affected land, CBO estimates that the agency would pay between \$200,000 and \$500,000 in 2005 to compensate those individuals.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** The Resources Committee in Report Number 108-647 finds authority under Article I, Section 8 and Article IV, Section 3, but fails to cite a specific clause.

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### **H.R.4066 — Chickasaw National Recreation Area Land Exchange Act of 2004 (Cole)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill, *as amended*.

**Summary:** H.R. 4066 directs the National Park Service (NPS) to convey within six months to the Chickasaw Nation in Oklahoma approximately 29 acres of land within the Chickasaw National Recreation Area (NRA) in exchange for approximately 39 acres of nearby tribal property. The land exchange, according to the bill's findings is in order to establish a cultural center for the Chickasaw Nation.

**Committee Action:** The bill was introduced on March 30, 2004, and referred to the House Resources Committee, which considered the bill and reported it to full House on September 15, 2004 by unanimous consent.

**Cost to Taxpayers:** CBO estimates that H.R. 4066 would have no significant impact on the federal budget, would not affect revenues or direct spending, and that the properties to be exchanged would be determined by NPS to be roughly equal in value.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** A House Government Reform Committee report citing authority is unavailable.

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### **H.R.4469 — Angel Island Immigration Station Restoration and Preservation Act (Woolsey) — *as introduced***

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill.

**Note:** The text of the reported bill was not available as of press time.

**Summary:** H.R. 4469 would authorize \$15 million for the Secretary of the Interior to restore the Angel Island Immigration Station Hospital in the San Francisco Bay, in coordination with the Angel Island Immigration Station Foundation and the California Department of Parks and Recreation.

**Additional Information:** According to its website, Proposition 12, passed by California voters in 2000, has dedicated \$15 million in California funds to restore the Immigration Station. The estimated cost of complete site restoration is currently in the \$30-60 million range. (<http://www.angelisland.org/immigr02.html>)

The Angel Island Immigration Station Foundation is a non-profit organization dedicated to raising funds to educate, preserve, restore, and improve the site. The long-term goal is to develop a premier west coast center for the study of Pacific Rim immigration from the past to the present, and to keep the history of Angel Island Immigration Station alive.

According to the findings, the Angel Island Immigration Station, “also known as the Ellis Island of the West, is a National Historic Landmark. Between 1910 and 1940, the Angel Island Immigration Station processed more than 1,000,000 immigrants and emigrants from around the world. It was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration. ...During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.”

**Committee Action:** The bill was introduced on May 20, 2004, and referred to the House Resources Committee, which considered the bill and reported it to full House on September 15, 2004 by unanimous consent.

**Cost to Taxpayers:** The bill, as introduced, authorizes \$15 million, but does not specify a fiscal year.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill authorizes federal funds for the restoration of a development in a state park.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** A House Resources Committee report citing authority is unavailable.

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## HR.4579 — Truman Farm Home Expansion Act (*McCarthy*)—*as introduced*

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill.

**Note:** The text of the reported bill was not available as of press time.



**Summary:** H.R. 4579 amends 16 U.S.C. 461 note, to authorize the Secretary of the Interior to acquire, five acres of land for inclusion in the Harry S Truman National Historic Site, in Missouri. The land may be obtained by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or any other means.

**Additional Information:** According to the GSA, as of September 2003, the federal government owns 5.1% of the state.

**Committee Action:** The bill was introduced on June 15, 2004, and referred to the House Resources Committee, which considered the bill and reported it to full House on September 15, 2004 by unanimous consent.

**Cost to Taxpayers:** The bill, *as introduced*, does not authorize any funds for this land acquisition, though if the land is purchased by Interior it would likely incur a cost.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill would authorize an increase of the amount of federally owned land by five acres.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A House Resources Committee report citing authority is unavailable.

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**H. R. 4596 —To amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009 (Nethercutt) —*as introduced***

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28, 2004, under a motion to suspend the rules and pass the bill.

**Note:** The text of the reported bill was not available as of press time.

**Summary:** H.R. 4596 amends Public Law 97-435 (passed in 1983) and extends the expired authority of the Secretary of the Interior to release patent conditions until December 31, 2009. The original law signed in 1983 directed the Secretary of the Interior to release conditions in a certain land patent conveyed to Eastern Washington University that prohibited:

- (1) the use of such land for other than recreational or educational purposes; or
- (2) or the transfer of the land title. Conditions such release upon a documented agreement between the Secretary and the University that the University will dispose of the land only for the purpose of acquiring real property which is more suitable for educational or recreational purposes.

The law declared that title for the acquired real property would vest in the United States if the University: (1) used it for other than educational or recreational purposes; (2) attempted to transfer its title; or (3) directly or indirectly prohibited or restricts its use by any individual because of his or her race, creed, color, sex, or national origin. This authority appears to have expired in 1987, but under H.R. 4596 it would be extended to 2009.

**Committee Action:** The bill was introduced on June 16, 2004, and referred to the House Resources Committee, which considered the bill and reported it to full House on September 15, 2004 by unanimous consent.

**Cost to Taxpayers:** The bill, as introduced, does not specifically authorize any funds and a CBO cost estimate is unavailable.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** A House Resources Committee report citing authority is unavailable.

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## **H.R. 4683—Gullah/Geechee Cultural Heritage Act (*Clyburn*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4683 would establish the Gullah/Geechee Cultural Heritage Corridor in South Carolina and Georgia. The bill would also establish a commission to develop and implement a management plan for the area, which would terminate 10 years after enactment of the bill. The management plan must include comprehensive policies and recommendations for conservation, funding, management, and development of the Heritage Corridor. The Secretary of the Interior must receive the plan within three years, at which time the Secretary would approve or disapprove it. The commission is also authorized to establish one or more Coastal Heritage Centers.

The bill authorizes no more than \$1 million for any fiscal year, not to exceed \$10 million in total. Authority of the Secretary to provide financial assistance to the Heritage Corridor would terminate 15 years after enactment.

**Additional Background:** African-Americans who settled in the coastal counties of South Carolina and Georgia, starting during slavery, are known as the Gullah/Geechee. The Gullah/Geechee culture is believed to be the most distinctive African-American culture in the United States. The National Park Service is in the process of completing a special resource study on the Gullah/Geechee culture for Congress. The study is expected to be completed next year.

Congress has established 24 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National Park Service provides technical assistance, as well as financial assistance, for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A “National Heritage Area” is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation which seeks to preserve and celebrate many of America's defining landscapes. <http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

**NOTE: no legislative criteria exist for designating a National Heritage Area.**

Most of the 24 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage: <http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows:

- 1 in 1984
- 1 in 1986
- 2 in 1988
- 2 in 1994
- 11 in 1996
- 6 in 2000
- 1 in 2003

For more information on National Heritage Areas, visit this website: <http://www.cr.nps.gov/heritageareas/>

**Committee Action:** H.R. 4683 was introduced on June 24, 2004, and referred the Committee on Resources. The Committee favorably reported the bill on September 22 by unanimous consent.

**Administration Position:** A representative of the National Park Service testified on September 14, 2004, recommending “that the Subcommittee defer action on any individual national heritage area designation or study bill until generic national heritage area legislation is enacted and, in this instance, until the special resource study is completed.”

<http://resourcescommittee.house.gov/archives/108/testimony/2004/suemasica4683.htm>

**Cost to Taxpayers:** H.R. 4683 authorizes \$1 million annually, with a 10 year cap of \$10 million.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.R. 4808—To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico (Pearce)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4808 would require the Secretary of the Interior to convey 320 acres of land to Randal, Jeffrey, and Timothy Rabon of Otero County, New Mexico. The conveyance of the parcel includes all surface, subsurface, mineral, and water rights, title, and interests of the United States in and to the parcel. In exchange, the United States would receive 241 acres of land adjacent to the Holloman Air Force Base. If the value of the

two parcels is not equal, as determined by an appraisal, a cash payment would be made by the party receiving the higher-valued land to the party receiving the lesser-valued land.

**Committee Action:** H.R. 4808 was introduced on July 9, 2004, and referred to the Committee on Resources. The Committee favorably reported the bill by unanimous consent on September 15.

**Cost to Taxpayers:** A cost estimate is not available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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### **S. 643—Hibben Center Act (Sen. Domenici)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** S. 643 would authorize the Secretary of the Interior to enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University. The space would be used for research on and curation of the National Park Service collections related to the Chaco Culture National Historical Park and Aztec Ruins National Monument. The lease may require the Secretary to contribute to operating expenses. The Secretary may also contribute toward the cost of construction of the Hibben Center, up to 37 percent (not to exceed \$1,750,000).

**Committee Action:** S. 642 passed the Senate by unanimous consent on July 17, 2004. On July 18, the bill was received in the House and referred to the Committee on Resources. The Committee did not take action on the bill.

**Cost to Taxpayers:** The Congressional Budget Office estimates that S. 643 would cost \$4.25 million over five years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** Senate reports are not required to cite constitutional authority.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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### **S. 1687—Manhattan Project National Historical Park Study Act of 2003 (Sen. Bingaman)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1687 would require the Secretary of the Interior, in consultation with the Secretary of Energy, to conduct a resource study of the areas involved in the Manhattan Project to determine the feasibility of designating one or more of the sites as a unit of the National Park System. The three sites to be included in the study are Los Alamos National Laboratory in New Mexico, the Hanford Site in Washington State, and the Oak Ridge Reservation in Tennessee. The bill authorizes “such sums” for the study.

**Additional Background:** The Manhattan Project was a top-secret program that began during World War II. The goal of the program was to develop and construct the first nuclear bomb. The three sites named in S. 1687 were primary locations for the Manhattan Project and have all been designated as National Historic Landmarks.

**Committee Action:** S. 1687 passed the Senate by unanimous consent on September 15, 2004. The bill was then sent to the House, where it has been held at the desk.

**Cost to Taxpayers:** The bill authorizes “such sums” for the feasibility study, which the Congressional Budget Office estimates will cost \$250,000 over three years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** Senate reports are not required to cite constitutional authority.

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## **S. 2052—El Camino Real de los Tejas National Historic Trail Act of 2004 (Sen. Hutchison)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** S. 2052 would designate El Camino Real de los Tejas as a National Historic Trail. The Secretary of the Interior may only administer non-Federal portions of the trail with the consent of the owner and may not acquire any land without the consent of the owner.

**Additional Background:** El Camino Real de los Tejas is a road system that consists of approximately 2,580 miles, extending from the Rio Grand near Laredo, Texas, to Natchitoches, Louisiana. The roads were used primarily for the migration of settlers to Texas.

**Committee Action:** S. 2052 passed the Senate by unanimous consent on September 15, 2004. The bill was then sent to the House, where it has been held at the desk.

**Cost to Taxpayers:** The Congressional Budget Office estimates that the bill would cost \$400,000 annually, beginning in 2005.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**

No.

**Constitutional Authority:** Senate reports are not required to cite constitutional authority.

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**H.R. 3247—Trail Responsibility and Accountability for the Improvement of Lands Act of TRAIL Act (Tancredo)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3247 would provide consistent enforcement to the Bureau of Land Management, the U.S. Forest Service, the National Park Service, and the U.S. Fish and Wildlife Service authorities through two classes of fines and penalties (Class A and Class B misdemeanors) for violations of laws regarding the management, use, and protection of public lands. All collected fines would be used to cover the cost of any repair work needed because of the action that resulted in the fine, increase awareness of public land regulations, or cover administrative or legal expenses related to the actions. Any excess funds would be returned to the U.S. Treasury.

The bill also establishes a minimum fine of \$500 for violation of fire rules and regulation on public lands if the violation was the result of reckless conduct, occurred in an area subject to a complete on open fires, and resulted in damage to public or private property.

**Committee Action:** H.R. 3247 was introduced on October 2, 2003, and referred to the Committees on Resources, Agriculture, and Judiciary. The Committee on Resources favorably reported the bill by unanimous consent on May 5, 2004, and the Committee on the Judiciary favorably reported the bill by voice vote on June 23, 2004. The Committee on Agriculture discharged the bill without consideration.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 3247 would have no significant impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**

No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-511 Part 1, cites Article I, Section 8, but fails to cite a specific clause. The Committee on the Judiciary, in House Report 108-511 Part 2, cites Article I, Section 8, but fails to cite a specific clause.

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**H.R. 4617—To amend the Small Tract Act to facilitate the exchange of small tracts of land (Doolittle)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4617 authorizes two land exchanges between private landowners and the U.S. Forest Service in the Tahoe National Forest.

**Committee Action:** H.R. 4617 was introduced on June 18, 2004, and referred to the Committees on Agriculture and Resources. On July 14, the Resources Committee passed the bill, as amended (by removing language amending the Small Tracts Act), by unanimous consent. The Agriculture Committee discharged the bill.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 4617 would have no significant impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-666 Part 1, cites Article I, Section 8, but fails to cite a specific clause.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.R. 4827—Renaming the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area (Walden)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4827 would rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area in honor of retiring Congressman Scott McInnis.

**\*\*NOTE\*\*:** House Rule XXI, Clause 6 states that, “It shall not be in order to consider a bill, joint resolution, amendment, or conference report that provides for the designation or redesignation of a public work in honor of an individual then serving as a Member, Delegate, Resident Commissioner, or Senator.” However, because this bill is coming to the House floor under *suspension* of the rules, the bill would not be subject to a point of order on the House floor. <http://www.house.gov/rules/RXXI.htm>

**Additional Background:** Congressman Scott McInnis has served in the House of Representatives since 1992.

**Committee Action:** H.R. 4827 was introduced on July 13, 2004, and referred to the Committee on Resources. The Committee did not consider the bill.

**Cost to Taxpayers:** The bill would have negligible costs for sign and map changes.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.



**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**

No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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**H.R. 4838—Healthy Forests Youth Conservation Corps (Walden)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4838 would establish a new Healthy Forest Conservation Corps consisting of youth between the ages of 16 and 25. The Corps would be involved in projects undertaken through cooperative agreements made by the Secretary of the Interior or the Secretary of Agriculture. These agreements could be made directly with a service or conservation corps or with a State entity (such as Department of Natural Resources) that has entered into a contract with a service or conservation corps. Members of the Corps may carry out rehabilitation and enhancement projects to prevent fire and suppress fires, rehabilitate public land affected or altered by fires, and provide disaster relief. Corps members may not be used to displace current employees.

Priority must be given to certain projects, including those that will: (1) reduce hazardous fuels on public lands; (2) restore public land affected or imminently threatened by disease or insect infestation; (3) rehabilitate public land affected or altered by fires; (4) assess windthrown public land at a high risk of reburn; and (5) work to address public land located near a municipal watershed and municipal water supply.

Former members of the Corps could receive credit for time served as a member of the Corps toward future Federal hiring or could receive noncompetitive hiring status for 120 days following the completion of service.

The Secretaries of the Interior and Agriculture are authorized to provide technical assistance, training, and other supportive services to both members of the Corps and state agencies.

The bill authorizes \$5 million per year for fiscal years 2005-2009 (\$25 million total).

**Additional Background:** Existing Federal youth corps programs related to conservation:

- Youth Conservation Corps (National Park Service)
- National Civilian Community Corps (AmeriCorps)
- Public Land Corps (National Park Service)

**Committee Action:** H.R. 4838 was introduced on July 15, 2004, and referred to the Committees on Resources and Agriculture. The Committee on Resources favorably reported the bill on September 15 by unanimous consent. The Committee on Agriculture did not take action on the bill.

**Cost to Taxpayers:** The bill authorizes \$25 million over 5 years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill creates a new federal program.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**

No.



**Constitutional Authority:** A committee report citing constitutional authority is not available.

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**S. 1537—To direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery (*Sen. Lincoln*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1537 would direct the Secretary of Agriculture to convey 1.1 acres of land to the New Hope Cemetery Association at no cost.

**Additional Background:** New Hope Cemetery in Pope County, Arkansas, is nearly full and abuts National Forest System land. According to the Resources Committee, the land the Forest Service does not need the land that is to be conveyed.

**Committee Action:** S. 1537 was introduced on July 31, 2003, and passed the Senate by unanimous consent on November 24, 2003. The bill was referred to the Committee on Resources in the House, which passed the bill by unanimous consent on July 14, 2004.

**Cost to Taxpayers:** The Congressional Budget Office estimates that S. 1537 would have no significant impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-654, cites Article I, Section 8, but fails to cite a specific clause.

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**S. 1778—Craig Recreation Land Purchase Act (*Sen. Murkowski*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1778 authorizes the Secretary of Agriculture to acquire (through purchase at appraised value) 350 acres of land from the City of Craig, Alaska. The land would be included in the Tongass National Forest. The bill authorizes \$250,000 for reconstruction of a trail included in the property and other “such sums” as are necessary.

**Additional Background:** The land to be acquired under the bill is known as the Sunnahae Trail and Recreation Parcel. The City of Craig will use the funds from the sale of the land to purchase 10 acres of land in downtown Craig to expand the harbor and for commercial development.

According to the General Services Administration, the federal government currently owns 66.7% of the land in Alaska.

**Committee Action:** S. 1778 passed the Senate by unanimous consent on September 15, 2004. The bill was then sent to the House, where it has been held at the desk.

**Cost to Taxpayers:** The Congressional Budget Office estimates that S. 1778 would cost \$1 million in FY05. (Note: CBO estimates the cost to purchase the land to be \$750,000, while the Senate Committee on Energy and Natural Resources estimates the land will cost \$2 million).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** Senate reports are not required to cite constitutional authority.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **S. 2180—Arapaho and Roosevelt National Forests Land Exchange Act of 2004 (Sen. Campbell)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** S. 2180 would require the exchange of 136 acres of land owned by the City of Golden, Colorado, for 9.84 acres of land own by the National Forest Service. Approximately 56 acres of the Forest Service land would be given to the city as a donation, unless the values of the remaining land are not equal. The bill stipulates that the exchange is to take place within 180 days of the bill's enactment. If for any reason the exchange is not completed, the Secretary of Agriculture must sell the land to the city at its appraised value.

**Additional Background:** The 9.84 acres of land to be exchanged is needed by the City of Golden for construction of a water pipeline.

**Committee Action:** S. 2180 passed the Senate by unanimous consent on September 15, 2004. The bill was then sent to the House, where it has been held at the desk.

**Cost to Taxpayers:** The Congressional Budget Office estimates that S. 2180 would have no significant impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** Senate reports are not required to cite constitutional authority.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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### **H.R. 3210—Little Butte/Bear Creek Subbasins Water Feasibility Act (Walden)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3210 would require the Bureau of Reclamation to conduct the Water for Irrigation, Streams and the Economy (WISE) water management feasibility study at the Little Butte/Bear Creek Subbasins in Medford, Oregon. The bill authorizes \$500,000 for the study.

**Committee Action:** H.R. 3210 was introduced on September 30, 2003, and referred to the Committee on Resources. The committee reported the bill by unanimous consent on September 15, 2004.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 3210 would cost \$500,000 in 2005.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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### **H.R. 3597— To authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California (Doolittle)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3597 would authorize the Bureau of Reclamation to conduct a study to determine the feasibility of constructing a project on Alder Creek in El Dorado County, California, to store water and provide water supplies during dry years. The bill authorizes \$3 million for the study and stipulates that the federal share of costs for the study may not exceed 50 percent of the total.

**Committee Action:** H.R. 3597 was introduced on November 21, 2003, and referred to the Committee on Resources. On June 16, 2004, the Subcommittee on Water and Power approved the bill by unanimous consent. The full Resources Committee favorably reported the bill on July 14 by unanimous consent.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 3597 would cost \$3 million over the FY2005-2006 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-646, cites Article I, Section 8, but fails to cite a specific clause.

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### **H.R. 4606—Southern California Groundwater Remediation Act (*Baca*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4606 would establish a “Southern California Groundwater Remediation Fund” at the U.S. Treasury. The fund would be used to provide grants to reimburse the local water authority for the federal share or groundwater remediation projects. The local share of projects must be at least 35 percent. The bill authorizes “such sums.”

**Committee Action:** H.R. 4606 was introduced on June 17, 2004, and referred to the Committee on Resources. On July 8, the Subcommittee on Water and Power approved the bill by unanimous consent. The full Resources Committee favorably reported the bill on July 14 by unanimous consent.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 4606 would cost \$39 million over the FY2005-2009 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill creates a new account at the U.S. Treasury.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-668, cites Article I, Section 8, but fails to cite a specific clause.

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### **H.R. 5009—Montana Water Contracts Extension Act of 2004 (*Rehberg*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5009 would extend several water contracts between the Secretary of the Interior and certain entities in Montana. The contracts would be extended for two years or longer if a long-term contract were agreed to.

**Committee Action:** H.R. 5009 was introduced on September 7, 2004, and referred to the Committee on Resources. The Committee considered the bill on September 15 and favorably reported it to the House by unanimous consent.

**Cost to Taxpayers:** A cost estimate is not available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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### **H.R. 5016—To extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska (Osborne)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5016 would extend for four years a water service contract between the Secretary of the Interior and localities in Nebraska. The contract was first initiated in the late 1930s.

**Committee Action:** On September 7, 2004, the bill was referred to the Resources Committee, which, on September 22<sup>nd</sup>, marked up the bill and by unanimous consent ordered it reported to the full House.

**Cost to Taxpayers:** The bill sponsor's office confirmed that this legislation would not yield any changes to the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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### **S. 2508—A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse (Senator Domenici)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill. It passed the Senate by unanimous consent on September 15, 2004.

**Summary:** S. 2508 would redesignate the federally authorized Ridges Basin Reservoir, located on Basin Creek, a tributary of the Animas River in Colorado, as “Lake Nighthorse.”

The Senate Energy and Natural Resources Committee, in Senate Report 108-327, notes that, “The purpose of S. 2508 is to rename the Ridges Basin Reservoir in Colorado for Senator Ben Nighthorse Campbell.”

**\*\*NOTE\*\*:** House Rule XXI, Clause 6 states that, “It shall not be in order to consider a bill, joint resolution, amendment, or conference report that provides for the designation or redesignation of a public work in honor of an individual then serving as a Member, Delegate, Resident Commissioner, or Senator.” However, because this bill is coming to the House floor under *suspension* of the rules, the bill would not be subject to a point of order on the House floor.

<http://www.house.gov/rules/RXXI.htm>

**Committee Action:** The Senate-passed bill was referred to the House Resources Committee on September 17, 2004, but no official action was taken in House committee.

**Cost to Taxpayers:** The bill would authorize no significant expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Senate committees are not required to cite constitutional authority in their committee reports.

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**H.J.Res. 102—Recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there (Flake)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.J.Res. 102 would resolve that Congress:

- “recognizes the bravery and courage of the members of the United States Armed Forces who participated in the Battle of Peleliu and of all veterans who fought in the Pacific Theater during World War II; and
- “urges the Secretary of the Interior--
  - (1) to recognize the year 2004 as the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II;
  - (2) to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark; and
  - (3) to establish commemorative programs honoring the Americans who fought at those sites.”

**Additional Background:** The resolution notes that, on September 15, 1944, after three days of naval gunfire, American forces landed on the beaches of Peleliu, in the Palau islands chain, with the objective of capturing a vital air field close to Japan. The battle for Peleliu lasted more than two months, during which the U.S. suffered over 10,000 casualties, including an estimated 1,800 servicemembers killed in action. The Republic of Palau today is an independent, democratic nation and an ally of the United States.

**Committee Action:** On September 9, 2004, the resolution was referred to the Resources Committee, which, on September 22<sup>nd</sup>, marked up the bill and by unanimous consent ordered it reported to the full House.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

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## **H.Res. 737—Recognizing the 60th anniversary of the Liberation of Guam during World War II (*Del. Bordallo*)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 737 would resolve that the House:

- “recognizes the year 2004 as the 60th anniversary of the Liberation of Guam during World War II;
- “recognizes the extraordinary heroism and steadfast loyalty exhibited by the people of Guam who endured the occupation;
- “recognizes the bravery and courage of all members of the United States Armed Forces who participated in the battle to recapture and liberate Guam, and all veterans who fought in the Pacific Theater during World War II;
- “encourages the American people to commemorate the Liberation of Guam and to observe the anniversary of the significant battles of the Pacific Theater during World War II; and
- “requests the Secretary of the Interior to establish commemorative programs honoring the liberators and the people of Guam at the War in the Pacific National Historical Park in Guam.

**Additional Background:** The resolution notes that Guam was attacked by Imperial Japanese Forces on December 8, 1941, and was subsequently invaded by enemy forces on December 10, 1941. Guam remained occupied until liberation by U.S. forces on July 21, 1944.

**Committee Action:** On July 21, 2004, the resolution was referred to the Resources Committee, which, on September 22<sup>nd</sup>, marked up the bill and by unanimous consent ordered it reported to the full House.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

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## **H.R. 2941—Colorado River Indian Reservation Boundary Correction Act (*Grijalva*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2941 would correct the south boundary of the Colorado River Indian Reservation (created along the Colorado River in Arizona and California by Act of Congress in 1865) by reestablishing such boundary as it was delineated by a land survey in 1875 and a resurvey in 1912. This correction would have the effect of adding the “La Paz lands” to the Reservation (and would not affect any existing water or public access rights, where applicable, nor any mining or other commercial lease activities). The total addition to the Reservation would be 16,000 acres (all of which are in Arizona and currently managed by the Bureau of Land Management).

**Committee Action:** On July 25, 2003, the bill was referred to the Resources Committee, which held hearings on the bill on April 21, 2004, and marked it up on September 15, 2004. The Committee ordered the bill reported to the full House by unanimous consent.

**Administration Position:** The Administration, in hearings before the Resources Committee on April 21<sup>st</sup>, expressed support for the legislation, if certain sections were amended (which it looks like they were).

**Cost to Taxpayers:** CBO reports that this legislation would have no significant impact on the federal budget..

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**  
No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 3479—Brown Tree Snake Control and Eradication Act (*Del. Bordallo*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary as amended:** H.R. 3479 would express a sense of Congress that “there exists a need for improved and better coordinated control, interdiction, research, and eradication of the brown tree snake on the part of the United States and other interested parties.” In light of this statement, the bill would authorize appropriations as follows:

**Animal and Plant Health Inspection Service, Wildlife Services, Operations**

- \$2.6 million for each of fiscal years 2006 through 2010



Animal and Plant Health Inspection Service, Wildlife Services, National Wildlife Research Center, Methods Development

- \$1.5 million for each of fiscal years 2006 through 2010

Office of Insular Affairs

- \$3.0 million for each of fiscal years 2006 through 2010

Fish and Wildlife Service

- \$2.0 million for each of fiscal years 2006 through 2010

United States Geological Survey, Biological Resources

- \$1.5 million for each of fiscal years 2006 through 2010

Construction Planning Assistance, Department of Agriculture

- Such sums

Construction Planning Assistance, Department of the Interior

- Such sums

Quarantine Protocol Implementation, Department of Agriculture

- \$3.0 million for each of fiscal years 2006 through 2010

Quarantine Protocol Implementation, Department of the Interior

- \$1.0 million for each of fiscal years 2006 through 2010

Brown Tree Snake Technical Working Group (for interagency coordination), Department of Agriculture

- \$450,000 for each of fiscal years 2006 through 2010

Brown Tree Snake Technical Working Group (for interagency coordination), Department of the Interior

- \$450,000 for each of fiscal years 2006 through 2010

The bill would direct the Secretaries of Agriculture and of the Interior to establish a quarantine system for people, baggage, and cargo to prevent the spread of the snake. Further, the snake would be designated as nonmailable matter.

**Additional Background:** It is thought that the brown tree snake was accidentally introduced to Guam by military supply ships after World War II. Since then, it has increased its presence dramatically on the island, and according to the bill, is now a “documented economic and human health hazard in Guam.” The Resources Committee noted that the brown tree snake has eliminated most of Guam's native forest birds and lizards. The snake is mildly venomous and is known for causing power outages by biting through power lines.

**Committee Action:** On November 7, 2003, the bill was referred to both the Agriculture Committee and the Resources Committee. The Agriculture Committee discharged the bill, and the Resources Committee (after subcommittee hearings and such) reported the bill by unanimous consent to the full House (on July 14, 2004).

**Possible Conservative Concerns:** Conservatives might be concerned that this bill would authorize additional funds to accomplish goals that the Administration says it could accomplish using existing funds.

**Administration Position:** Two Administration officials testified before Congress that these interdiction efforts could be accomplished using existing funds without authorizing additional funding streams:

<http://resourcescommittee.house.gov/archives/108/testimony/2004/jamestate.htm>  
<http://resourcescommittee.house.gov/archives/108/testimony/2004/williamclay.htm>

**Cost to Taxpayers:** The amended bill would explicitly authorize \$15.5 million for each of fiscal years 2006 through 2010 (for a total of \$62.0 million for FY2005-FY2009 and \$77.5 million for FY2006-FY2010). The amended bill would also include two “such sums” authorizations (for construction planning assistance). Although no exact figure is available, the reported version of this bill had authorized \$2.3 million each year for the Department of Agriculture and \$2.3 million each year for the Department of the Interior for this purpose.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** By requiring federal agencies to implement a system of predeparture quarantine protocols for inspecting passengers, baggage, and cargo leaving from Guam and other areas infested with brown tree snakes, H.R. 3479 would impose a mandate on travelers and shippers of goods departing from those locations.

**Constitutional Authority:** The Resources Committee, in House Report 108-687, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.R. 4657—District of Columbia Retirement Protection Improvement Act (Davis, Tom)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary, as amended:** H.R. 4657 would establish a District of Columbia Teachers, Police Officers, and Firefighters Federal Pension Fund within the United States Treasury to make federal benefit payments to these groups. The bill would terminate the existing fund, provide various investment authorities for the new Fund, and transfer the administration of the retirement programs for D.C. policeman, firefighters, and teachers from the D.C. Office of Financial Operations and Systems to the D.C. Retirement Board.

**Committee Action:** On June 23, 2004, the bill was referred to the Government Reform Committee, which on July 21<sup>st</sup> marked up and by voice vote ordered the bill, reported to the full House.

**Cost to Taxpayers:** CBO estimates H.R. 4657 would have no net effect on the federal budget because all the transactions that would take place under the bill would be intragovernmental in nature.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 4046—Sergeant Riayan A. Tejada Post Office Designation Act (*Rangel*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4046 would designate the U.S. postal facility located at 555 West 180th Street in New York, New York, as the “Sergeant Riayan A. Tejada Post Office.”

**Additional Background:** Sergeant Riayan A. Tejada, 26, was an immigrant (non-citizen) from the Dominican Republic who was killed in combat in Iraq.

**Committee Action:** On March 25, 2004, the bill was referred to the Government Reform Committee, which, on September 15<sup>th</sup>, marked up and by unanimous consent ordered the bill reported to the full House.

**Cost to Taxpayers:** The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and Post Roads.”

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## **H.Con.Res. 461—Expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month (Biggert)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 461 would resolve that Congress:

- “recognizes and supports the goals and ideals of ‘Life Insurance Awareness Month;’ and
- “requests the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe ‘Life Insurance Awareness Month’ with appropriate programs and activities.”

**Additional Background:** The resolution notes that the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of life insurance companies and organizations have designated September 2004 as ‘Life Insurance Awareness Month,’ the goal of which is to make consumers more aware of their life insurance needs, encourage them to seek professional advice, and urge them to take the actions necessary to achieve the financial security of their loved ones.

**Committee Action:** On June 22, 2004, the resolution was referred to the Government Reform Committee, which, on September 15<sup>th</sup>, marked up and by unanimous consent ordered the bill reported to the full House.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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### **H.R. 5027—Specialist Eric Ramirez Post Office Designation Act (Brown-Waite)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5027 would designate the U.S. postal facility located at 411 Midway Avenue in Mascotte, Florida, as the “Specialist Eric Ramirez Post Office.”

**Additional Background:** Specialist Eric Ramirez, 31, died while serving in Iraq.

**Committee Action:** On September 15, 2004, the Government Reform Committee marked up and by unanimous consent ordered the bill reported to the full House.

**Cost to Taxpayers:** The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and Post Roads.”

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### **H.R. 5133—Martha Pennino Post Office Building Designation Act (*Moran of Virginia*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5133 would designate the U.S. postal facility located at 11110 Sunset Hills Road in Reston, Virginia, as the “Martha Pennino Post Office Building.”

**Additional Background:** Martha Virginia Pennino, a six-term Fairfax County, Virginia supervisor who helped shape the county’s rapid growth in the 1970s and ’80s, died of Parkinson’s disease on Friday, September 17, 2004, at the age of 86.

**Committee Action:** The bill was referred to the Government Reform Committee on September 23, 2004, but the Committee did not consider it.

**Cost to Taxpayers:** The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and Post Roads.”

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**H.Res. 784—Commending the resiliency of the people of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, and Ivan (Foley)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res 784 would resolve that the House “commends the resiliency of the people of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, and Ivan.” The resolution will be amended before coming to the House floor to include Hurricane Jeanne.

**Additional Background:** Hurricane Charley hit Florida on August 13, 2004; Hurricane Frances hit Florida on September 4, 2004; and Hurricane Ivan hit Florida on September 16, 2004. Hurricane Jeanne hit Florida on September 26, 2004.

Since 1886 (Texas), no state has been directly hit by four hurricanes in one season.

**Committee Action:** The bill was referred to the Government Reform Committee on September 22, 2004, but the Committee did not consider it.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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**H.R. 5147—Evan Asa Ashcraft Post Office Building Designation Act (*Waxman*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5147 would designate the U.S. postal facility located at 23055 Sherman Way in West Hills, California, as the “Evan Asa Ashcraft Post Office Building.”

**Additional Background:** Evan Asa Ashcraft, 24, died while serving in Iraq in 2003.

**Committee Action:** the bill was referred to the Government Reform Committee on September 24, 2004, but no official action was taken.

**Cost to Taxpayers:** The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and Post Roads.”

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