

## Legislative Bulletin.....June 21, 2004

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

**Total Number of New Government Programs: 2**

*Year to Date Prior to Today's Bills: 23\**

**Total Cost of Discretionary Authorizations: Approximately \$93.05 million over five years**

*Year to Date Prior to Today's Bills: At least \$652 billion<sup>#</sup> over five years*

**Total Cost of Appropriations: 0**

*Year to Date Prior to Today's Bills: \$52 billion for FY05*

**Total Amount of Revenue Reductions: \$**

*Year to Date Prior to Today's Bills: \$160.4 billion over five years*

**Total Change in Mandatory Spending: \$20 million over 10 years**

*Year to Date Prior to Today's Bills: \$22.5 billion over five years*

**Total New State & Local Government Mandates: 1**

*Year to Date Prior to Today's Bills: 15<sup>#</sup>*

**Total New Private Sector Mandates: 0**

*Year to Date Prior to Today's Bills: 13*

\* This figure does not include H.R. 4503, the Energy Policy Act of 2004

<sup>#</sup> This figure does not include H.R. 3873 or H.R. 4503

**H.Res. 591—Expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as “Community Banking Month” (Bachus)**

**Order of Business:** The resolution is scheduled to be considered on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 591 would resolve that:

- “the House of Representatives expresses its gratitude for the contributions made by America's community banks to the Nation's economic well-being and prosperity; and
- “it is the sense of the House of Representatives that--  
--a ‘Community Banking Month’ should be designated to raise public awareness of, and public appreciation for, the contributions of the helpful institutions that are our Nation's community banks; and  
--the President should issue a proclamation calling on the people of the United States to observe the month with appropriate programs and activities.”

**Committee Action:** On March 31, 2004, the resolution was referred to the Committee on Financial Services and to the Subcommittee on Financial Institutions and Consumer Credit on April 20<sup>th</sup>. Neither body took official action on the resolution.

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

**Does the Bill Create New Federal Programs or Rules?:** No.

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

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.R. 4471—Homeownership Opportunities for Native Americans Act (Renzi)**

**Order of Business:** The bill is scheduled to be considered on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4471 would increase the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.). That is, the bill would require the Department of Housing and Urban Development (HUD) to provide insurance for 95% (up from the current-law 80%) of the unpaid principal and interest on future loans in tribal areas (see “Additional Background” below).

**Additional Background:** Under current law, HUD guarantees, with tribal approval, obligations issued by tribes or tribally-designated housing entities (TDHEs) to finance eligible affordable

housing activities and community development activities related to affordable housing. HUD may not guarantee obligations exceeding \$400 million for each of fiscal years 1997-2007, with a cumulative cap of \$2 billion for the eleven-year period. Once 50% of the authority has been committed in any year, HUD may then limit the amount of the guarantees any one tribe may receive in any fiscal year to \$50 million, or request an increase in the statutory dollar limitations.

**Committee Action:** On June 3, 2004, the Financial Services Committee marked up the legislation, which had been referred to the Committee two days before, and by voice vote ordered the bill favorably reported to the full House.

**Cost to Taxpayers:** CBO estimates that H.R. 4471 would increase the cost of loan guarantees made to Indian tribes and designated housing entities (under the Native American Housing Assistance and Self-Determination Act of 1996) by less than \$500,000 per year, subject to appropriations.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

**Constitutional Authority:** The Financial Services Committee, in House Report 108-550, cites constitutional authority in Article I, Section 8, Clause 1 (relating to the general welfare of the United States) and Clause 3 (relating to the power to regulate interstate commerce).

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 4363—Helping Hands for Homeownership Act (Green of Wisconsin)**

**Order of Business:** The bill is scheduled to be considered on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary as amended:** H.R. 4363 would strike the word “dwelling” and replace it with “dwellings” in paragraph (1) of section 11(b) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note). This would have the effect of allowing families who receive homes from groups like Habitat for Humanity to fulfill their “sweat equity” requirements (contributions of physical labor required in order to receive a donated home under the Self-Help Homeownership Opportunity Program) by helping to build their own homes AND by helping to build other self-help homes in the community. This legislation is in response to the Department of Housing and Urban Development’s recent ruling that precluded the families who receive donated homes from fulfilling their “sweat equity” requirements by working on program homes other than their own.

In addition, H.R. 4363 would re-designate section 502(h) of the National Housing Act of 1949 (42 U.S.C. 1472(h)) as the “Doug Bereuter Section 502 Single Family Housing Loan Guarantee Act,” after the Nebraska congressman who was the legislative author of the single family housing loan guarantee program (enacted in November 1990).

**Committee Action:** On May 13, 2004, the legislation was referred to the Financial Services Committee, which on June 3<sup>rd</sup> marked up and by voice vote ordered the amended bill favorably reported to the full House.

**Cost to Taxpayers:** CBO confirms that H.R. 4363 would have no significant effect on the federal budget.

**Does the Bill Create New Federal Programs or Rules?:** No, it would create some flexibility within an existing program.

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

**Constitutional Authority:** The Financial Services Committee, in House Report 108-546, cites constitutional authority in Article I, Section 8, Clause 1 (relating to the general welfare of the United States) and Clause 3 (relating to the power to regulate interstate commerce).

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **S. 2238—Flood Insurance Reform Act (Senator Bunning)**

**Order of Business:** The bill is scheduled to be considered on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill. The bill passed the Senate on June 15, 2004 by unanimous consent. A similar bill, H.R. 253, passed the House on November 20, 2003, by a vote of 352-67: <http://clerk.house.gov/evs/2003/roll655.xml>

**Summary (differences from House bill in red bold):** S. 2238 would extend the National Flood Insurance Program through the end of FY2008 and establish a new pilot program for the mitigation of “severe repetitive loss properties” (as defined in the legislation) in flood zones. The pilot program would provide federal funds to states and localities for actions taken to reduce damage to severe repetitive loss properties and thereby reduce losses from the National Flood Insurance Fund. The pilot program would be authorized at \$40 million a year for the FY2004-FY2008 period.

Funds under this program could be used for:

- elevation, relocation, demolition, and flood-proofing of structures;
- minor physical localized flood control projects; and
- purchasing severe repetitive loss properties, subject to certain restrictions, the consent of property owners, and an appeals process (as detailed in the bill).

Priority would be given to the activities that would result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time. Property owners would have to be notified of any provision of flood mitigation assistance.

Federal funds could not constitute more than 75-90% (subject to exceptions and waiver) of the total assistance given to any state or community for flood mitigation projects.

In addition to creating a new pilot program, S. 2238 would expand the authority to provide assistance under the existing Federal Mitigation Assistance Program in a nearly exact way to the new pilot program (and at the same \$40 million annual level—for a total of \$80 million annually in new authorizations for such grants).

The bill also would authorize the appropriation of an additional \$10 million a year (FY2004-FY2008) for the mitigation of individual properties in states and communities that do not have the capacity to manage their own mitigation programs.

**If an owner of either a severe repetitive loss property or a repetitive claims property (as defined in current law) refuses an offer of mitigation (subject to appeal), the property owner's premiums would increase by 150% ~~no federal disaster relief assistance could be used to make payment for repair, replacement, or restoration of such property.~~**

~~The bill would authorize the establishment of a publicly available, electronic database identifying by location and address (but not owner) all repetitive claims properties, repetitive loss structures, and severe repetitive loss properties.~~

The Director of FEMA would be instructed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, in order to publicize the degree of hazard within each such zone as soon as possible.

**The bill would add a new title directing FEMA to take actions to make sure that all policyholders understand their flood insurance policies and are treated fairly in making claims and receiving settlements after flood losses. Such new requirements include the development of easy-to-read forms, consumer handbooks, and formal appeals processes.**

**Additional Background:** According to the “findings” in H.R. 253, approximately 48,000 properties currently insured under the National Flood Insurance Program have experienced, within a 10-year period, two or more flood losses where each such loss exceeded \$1,000. Repetitive-loss properties constitute a significant drain on the resources of the National Flood Insurance Program, costing about \$200 million annually. Repetitive-loss properties comprise approximately one percent of currently insured properties but are expected to account for 25 to 30 percent of claims losses.

**Committee Action:** The Senate bill is being held at the desk and thus was not referred to any House committee.

**Cost to Taxpayers:** S. 2238, like the House bill, would authorize appropriations of \$90 million for each of fiscal years 2004-2008.

**Does the Bill Create New Federal Programs or Rules?:** Yes. It would establish two new flood mitigation grant programs and expand an existing grant program.

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

**Constitutional Authority:** Senate committee reports are not required to cite constitutional authority. For H.R. 253, the House Financial Services Committee, in House Report 108-266, cited constitutional authority in Article I, Section 8, Clause 1 (relating to the defense and general welfare of the United States), and Clause 3 (relating to the power to regulate foreign and interstate commerce).

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.R. 3751 —To require that the Office of Personnel Management study current practices under which dental, vision, and hearing benefits are made available to Federal employees, annuitants, and other classes of individuals, and to require that the Office also present options and recommendations relating to how additional dental, vision, and hearing benefits could be made so available (Jo Ann Davis)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 21, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3751 requires the Office of Personnel Management (OPM) to study and evaluate options regarding adding additional dental, vision, and hearing insurance benefits to participants in the Federal Employees Health Benefits Program (FEHBP), and to present the study to Congress within six months.

**Additional Information:** According to the Committee, the FEHBP provides health insurance benefits to nearly 9 million federal workers, retirees, and their families, though coverage of dental, vision and hearing benefits “are not a significant part of the basic health insurance packages offered.” In 1987, OPM, which administers the FEHBP, stopped allowing plans to add new dental, vision, and hearing packages or to increase packages they already had in place as a way to hold the line on the government’s share of premiums and program costs.

According to Congressional testimony, five of the six open fee-for-service plans have dental benefits included in their FEHBP offerings, and three of the six closed plans have dental benefits included in their FEHBP offerings. The remaining 30% of FEHBP members are enrolled in some 210 comprehensive, or HMO, plans that are available in their respective service areas. Many of those HMO’s offer dental coverage in their FEHBP benefit packages. (see [http://reform.house.gov/UploadedFiles/Wristen\\_FirstHealth.pdf](http://reform.house.gov/UploadedFiles/Wristen_FirstHealth.pdf))

According to news reports, in the Washington area, the typical dentist charges \$88 for cleaning teeth and \$1,169 for a crown, and FEHBP pays \$53 for cleaning and \$254 for a crown. A Washington area federal employee paying \$313 for an eye exam and glasses would find \$85 of the cost covered by the FEHBP.

**Committee Action:** The bill was introduced on January 30, 2004, referred to the Committee on Government Reform. On April 1, 2004, the committee reported the bill to the full House by voice vote.

**Cost to Taxpayers:** CBO estimates that to complete and distribute the report required under H.R. 3751 would cost less than \$500,000, subject to appropriations. Any expansion of coverage recommended by the report would require separate Congressional authorization, and an estimate of such cost is unavailable (though it will be included in the report).

**Does the Bill Create New Federal Programs or Rules?:** No.

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

**Constitutional Authority:** The Government Reform Committee, in Report No. 108-552, finds authority under Article I, Section 8, Clause 18 (the Necessary and Proper Clause).

**Staff Contact:** Sheila Moloney, [sheila.moloney@mail.house.gov](mailto:sheila.moloney@mail.house.gov); 202-226-9719.

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## **H.R. 3797 — 2004 District of Columbia Omnibus Authorization Act (Tom Davis)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 21, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3797 amends various federal laws applicable to the operation of the District of Columbia (D.C.) government. For example, H.R. 3797 requires that by March 1<sup>st</sup>, the Board of Education submit to the City Council a plan implementing the Mayor's proposed budget, which must include how much money will be allocated to each school, including personnel, equipment, supplies, etc. The annual budget cycle for the public school system, the charter schools and the University of the District of Columbia is also changed in the bill to an academic year (from a fiscal year) beginning in FY2007.

H.R. 3797 exempts DC government employees from the Fair Labor Standards Act, thus allowing DC to offer alternate work schedules (flextime rather than overtime) to employees, similar to federal employees.

The bill adds a new provision allowing DC to (1) enter into severable services contracts for periods crossing fiscal years; and (2) enter into multiyear leasing for up to 10 years for property and multiyear contracts for goods and services not to exceed \$5 million, in part for the accommodation of the DC courts.

Finally, the bill transfers the oversight of DC-chartered banks from the Office of the Comptroller of the Currency (OCC) to the Federal Deposit Insurance Corporation (FDIC). Currently, in all 50 states, state-chartered banks are regulated by the FDIC and the state banking regulator, and nationally chartered banks are regulated by the OCC. But DC-chartered banks (of which there currently are none) are regulated by the OCC, which has created a regulatory burden inhibiting their establishment.



**Committee Action:** The bill was introduced on February 11, 2004, House Committees on Government Reform, Education and the Workforce, and Financial Services. The two latter committees discharged the bill without considering it, and the Government Reform Committee considered the bill and reported it to the full House on June 17.

**Cost to Taxpayers:** CBO estimates that the court building leasing provision would increase federal direct spending by approximately \$20 million over the FY04-14 period, because it authorizes the Executive Officer of the D.C. Courts to enter into 10-year building leases regardless of whether the D.C. Courts have sufficient appropriated funds available for such a lease. Under the National Capital Revitalization and Self-Government Improvement Act of 1997, the budget of the D.C. Courts system is funded through federal appropriations and its expenditures are recorded on the federal budget. CBO estimates that enacting the other provisions in the bill would have no significant impact on the federal budget.

**Does the Bill Create New Federal Programs or Rules?:** No, the bill modifies certain federal laws that pertain to D.C.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes, the new school board reporting requirement is considered an intergovernmental mandate, though CBO estimates that the resulting costs would not be significant and would not exceed the \$60 million annual threshold established in the Unfunded Mandates Reform Act.

**Constitutional Authority:** The Government Reform Committee, in Report No. 108-551, finds authority under Article I, Section 8, Clause 18 (the Necessary and Proper Clause). In addition, Article 1, Section 8, Clause 17 of the Constitution gives Congress the power “to exercise exclusive Legislation in all Cases whatsoever” over DC.

**Staff Contact:** Sheila Moloney, [sheila.moloney@mail.house.gov](mailto:sheila.moloney@mail.house.gov); 202-226-9719.

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## **H.R. 4222 — Newell George Post Office Building Designation Act (*Moore*)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 21, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4222 would designate the U.S. Postal Service facility located at 550 Nebraska Avenue in Kansas City, Kansas, as the “Newell George Post Office Building.”

**Additional Information:** The late Newell George was a democrat Congressman from Kansas who served in the 86<sup>th</sup> Congress, from 1959-61. He was born in 1904 in Kansas City, Missouri and became a practicing attorney in Kansas City, Kansas, after completing his education. He served on the staff U.S. Senator George McGill of Kansas in 1933 and 1934, and served as an attorney and council for the Bureau of Employment Security, the Federal Security Agency, and the Regional War Manpower Commission. He was first assistant Wyandotte County attorney from 1953-1958, was a delegate to the Democratic National Convention in 1960, and following an unsuccessful reelection campaign, in 1961 he was appointed U.S. attorney for the district of Kansas and served until June



20, 1968. He was married to the former Jean Hannan of Kansas City, Kansas, and he died on October 22, 1992.

According to the bill sponsor, Newell A. George “was one of a small but hardy group of Democratic activists who kept two-party government alive in one of our country’s most Republican states.” He was nicknamed “Punk” by his friends, and his hobbies included managing a string of boxers, after boxing himself at Wentworth Military Academy; bowling; and adding to a collection of old books — mainly Bibles and McGuffey readers — begun by his father.

**Committee Action:** The bill was introduced on April 27, 2004, and referred to the Committee on Government Reform, which 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 Create New Federal Programs or Rules?:** 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.”

**Staff Contact:** Sheila Moloney, [sheila.moloney@mail.house.gov](mailto:sheila.moloney@mail.house.gov); 202-226-9719.

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**H.Con.Res. 450 — Recognizing the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people (*Owens*)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 21, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 450 has six findings regarding the 40<sup>th</sup> anniversary of three murdered civil rights activists and resolves:

“That Congress—

(1) recognizes the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives; and

(2) encourages all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to the fundamental principles of freedom, equality, and democracy.”

**Additional Information:** According to the resolution’s findings, Andrew Goodman, James Chaney, and Michael Schwerner were civil rights organizers who participated in the Freedom Summer Project organized by the Council of Federated Organizations to register African Americans in the Deep South to vote. Forty years ago, on June 21, 1964, Andrew Goodman, James Chaney, and Michael Schwerner were murdered by members of the Ku Klux Klan who opposed their efforts to establish equal rights for African Americans. The three were murdered after leaving the scene of a firebombed church in Longdale, Mississippi, and their murders, the resolution notes, “brought attention to the struggle to guarantee equal rights for African Americans which led to the passage of monumental civil rights legislation, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965.”

**Committee Action:** The resolution was introduced on June 15, 2004, and referred to the Committee on Government Reform, which did not consider it.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

**Staff Contact:** Sheila Moloney, [sheila.moloney@mail.house.gov](mailto:sheila.moloney@mail.house.gov); 202-226-9719.

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## **H.Res. 679—Congratulating the Detroit Pistons on winning the 2004 NBA Championship (*Conyers*)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 679 resolves that the House:

“(1) congratulates the Detroit Pistons for winning the 2004 National Basketball Association (NBA) Championship and for their outstanding performance during the entire 2003-2004 season; and

“(2) recognizes the achievements of all the players, coaches, and staff of the Pistons, who were instrumental in helping the Pistons win a third NBA Championship.”

**Additional Background:** On June 15, 2004, the Detroit Pistons defeated the Los Angeles Lakers in the NBA finals four games to one. It was the first NBA Championship for the Pistons since 1990. The Pistons were led by Richard “Rip” Hamilton, who averaged more than 21.5 points and 4.2 per assists per game throughout playoffs, and playoff MVP Chauncey Billups who averaged 21 points and 5.2 assists per game.

**Committee Action:** The resolution was introduced on June 16, 2004 and referred to the Committee on Government Reform. The committee did not consider the resolution.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

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

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### **H.Res. 660—Congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004 (Shadegg)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 660 resolves that the House:

“(1) congratulates Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004; and

“(2) recognizes Randy Johnson for a brilliant career.”

**Additional Background:** On May 18, 2004, Randy Johnson of the Arizona Diamondbacks became only the 17th pitcher in Major League Baseball history to throw a perfect game and at age 40, is the oldest pitcher in Major League Baseball history to throw a perfect game.

**Committee Action:** The resolution was introduced on June 2, 2004 and referred to the Committee on Government Reform. The committee did not consider the resolution.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

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

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### **H.R. 884—Western Shoshone Claims Distribution Act (Gibbons)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 884 provides for the distribution of judgment funds awarded to the Western Shoshone Indians by the Indian Claims Commission. Under the bill, only U.S. citizens who have at least ¼ degree of Western Shoshone blood and have not been awarded funds from another judgment are eligible to receive funds. The Secretary of the Interior is required to establish a judgment roll of eligible individuals and distribute the judgment funds to those individuals in shares as equal as practicable.

The judgment funds are to be held in a newly established educational trust fund at the Department of the Treasury. Interest income from the trust must be used to provide education grants. A committee of tribe members would oversee the distribution of the grants.

**Additional Background:** In 1979, the U.S. Court of Claims awarded about \$26 million to the Western Shoshone Indians as payment for lands taken in 1872. Since that time, no funds have been distributed and additional claims for the tribe have been awarded. As of June 11, 2003, the total funds awaiting distribution to the tribe (including interest) was nearly \$144 million.

A bill similar to H.R. 884 (S. 618) passed the Senate by unanimous consent on October 17, 2003.

**Committee Action:** H.R. 884 was introduced on February 25, 2003, and referred to the Committee on Resources. On September 24, 2003, the Resources Committee favorably reported the bill to the House by a vote of 21 to 14.

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

**Does the Bill Create New Federal Programs or Rules?:** No.

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

**Constitutional Authority:** The Resources Committee, in House Report 108-299, cites Article I, Section 8, but fails to cite a specific clause. Article I, Section 8, Clause 3 gives Congress the power to “regulate commerce...with the Indian Tribes.”

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

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## **H.R. 3846—Tribal Forest Protection Act of 2004 (Pombo)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3846 would establish a process for the Secretaries of Agriculture and the Interior to enter into contracts or agreements with certain Indian tribes to carry out land management activities on federal lands adjacent to tribal forests or rangelands. The purpose of such projects would be to restore lands that pose a risk of fire, disease, or other threat to tribal lands. The bill specifies criteria to be used by the secretaries in reviewing proposals from tribes, such as the trust

status of the Indian forestland or rangeland and the access by members of the Indian tribe to the land.

**Additional Background:** According to the Resources Committee, in the summer of 2003, 18 Indian reservations were invaded by wildfire from adjacent federal lands. Eleven of the fires occurred in Southern California, burning over 30,000 acres, killing 10 people, and consuming 130 homes. Two reservations were burned entirely to the ground. This was not a first-time occurrence for the tribes and in the past, several tribes have lost valuable land to wildfire that started on neighboring federal land.

**Committee Action:** The bill was introduced on February 26, 2004, and referred to the Committee on Resources. On May 5, 2004, the Resources Committee favorably reported H.R. 3846 to the full House by unanimous consent.

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

**Does the Bill Create New Federal Programs or Rules?:** No.

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

**Constitutional Authority:** The Resources Committee, in House Report 108-509, cites Article I, Section 8, but fails to cite a specific clause. Article I, Section 8, Clause 3 gives Congress the power to “regulate commerce...with the Indian Tribes.”

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

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### **S. 1848—To amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administration Site in the State of Oregon (*Sen. Wyden*)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

The Senate passed S. 1848 by unanimous consent on May 19, 2004. The House passed a similar bill (H.R. 3505) by voice vote on May 17, 2004. There are no substantive differences between the House and Senate bills.

**Summary:** H.R. 3505 would convey the 185 acres of land known as the Bend Pine Nursery from the Deschutes National Forest to the Bend Metro Park and Recreation District for \$3.5 million. Of the 185 acres, 15 would subsequently be conveyed to the Bend-La Pine School District.

**Additional Background:** The Bend Pine Nursery Land Conveyance Act (P.L. 106-526) authorized the U.S. Forest Service to sell 1,536 acres of land in Central Oregon and throughout the state to finance a new headquarters building for the Deschutes National Forest. The Bend Parks and

Recreation District had first right to purchase the centerpiece of the sale, the 210-acre pine nursery in northeast Bend, which it intended to convert into a major new park and open space.

In the three years it has taken the Forest Service to complete the appropriate environmental analysis and land appraisal pertaining to the land conveyance, the fair market value of the property has increased from approximately \$3.5 million to \$5.8 million. The bill would convey the land based on the lesser amount.

**Committee Action:** The bill was held at the desk and therefore not referred to a House committee.

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

**Does the Bill Create New Federal Programs or Rules?:** 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. 3706—John Muir National Historic Site Boundary Adjustment Act (George Miller)**

**Order of Business:** The bill is scheduled for consideration on Monday, Jun 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3706 authorizes the National Park Service to acquire 0.2 acres of land by donation, purchase with donated or appropriated funds, or exchange for inclusion in the John Muir National Historic Site.

**Additional Background:** On August 31, 1964, the John Muir National Historic Site (JMNHS), located in Martinez, California, became a unit of the National Park System. The Site preserves the 14-room mansion where naturalist John Muir lived from 1890 to his death in 1914. The JMNHS is 344 acres and had 28,206 visitors in 2001.

According to the Resources Committee, in 1988, Congress authorized an expansion of the JMNHS, which included a 3.3-acre parcel of land owned by the City of Martinez, California. The area was donated by the City to the National Park Service for inclusion in the NHS. In 1991, the General Management Plan for the JMNHS proposed that the acquired land be developed as a 32-car/2-bus visitor parking area and a site of the new National Park Service maintenance facility. In 1994, a boundary survey was conducted where it was discovered that the donated parcel did not include all of the land between the street and a railroad line, where the parking lot was proposed. A small triangle of land (approximately 0.2 acres/9500 square feet) was found not to be part of the parcel donated by the City of Martinez. Further investigation by the National Park Service found that no

one was listed with the county tax assessor parcel number, and thus no taxes had been collected or paid on the 0.2 acres since the 1960s. Without issuance of clear title for 0.2-acre parcel, development cannot precede on the parking lot expansion and maintenance facility.

**Committee Action:** The bill was introduced on January 20, 2004. On May 5, 2004, the Resources Committee favorably reported H.R. 3706 to the House of Representatives by unanimous consent.

**Cost to Taxpayers:** The Congressional Budget Office estimates that the cost of the property authorized to be acquired under the bill would be less than \$50,000, assuming the availability of appropriated funds.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

**Constitutional Authority:** The Resources Committee, in House Report 108-555, 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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