



Legislative Bulletin.....March 6, 2002

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S.J.Res. 32 — A joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation. (Sen. Reed)

Order of Business: The resolution will be considered on March 6 under a motion to suspend the rules and pass the bill.

Summary: The resolution includes several findings chronicling the history of the U.S. Military Academy at West Point, citing the passage of legislation authorizing its founding on March 16, 1802, the engineering, scientific, private sector and military contributions of its graduates, and the opportunity it has provided for men and women of all races, religions and cultures to receive a college education and begin service to their country. The resolution also recognizes West Point as an outstanding leadership development institution that upholds and promotes the highest virtues of American society.

Additional Background: The resolution was agreed to in the Senate by unanimous consent on February 25, 2002.

Cost to Taxpayers: None.

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

Constitutional Authority: No committee report citing Constitutional Authority is available.

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S. 1857—A bill to encourage the negotiated settlement of tribal claims (Senator Campbell)

Order of Business: The bill is scheduled to be considered on Wednesday, March 6th, under a motion to suspend the rules and pass the bill, pending the passage of a rule allowing a suspension of the rules on a Wednesday. House Rule XV (Section 1a) states that, “The Speaker may not entertain a motion that the House suspend the rules except on Mondays and Tuesdays and during the last six days of a session of Congress.”

Summary: S. 1857 would address the possibility that the statute of limitations is running or has run out on legal claims that Indian tribal governments may assert against the U.S. related to the management of tribal funds that the U.S. holds in trust. The intent of this legislation, as stated in the bill text, is to facilitate the voluntary settlement of tribal claims and to encourage Indian tribes to abstain from filing claims against the U.S. for losses to or mismanagement of tribal trust funds.

Specifically, the bill would deem any reconciliation reports provided to Indian tribes by the federal government (about the status of the tribal funds the U.S. holds in trust) in 1996 or later to have been received by the tribes no earlier than December 31, 1999. In other words, even though certain reconciliation reports may have been sent to tribes in 1996, 1997, 1998, or 1999, this bill would treat such reports as if they had not been sent earlier than December 31, 1999. Therefore, the six-year statute of limitations would not cut off tribal claims until December 31, 2005, at the earliest. In current law, many of the affected tribal claims would be cut off this year.

Senate Report 107-138 states that “As a function of treaties and the course of dealings between the United States and Indian tribes, the United States holds legal title to lands held in trust for individual Indians as well as Indian tribal governments. The revenues derived from trust lands are also held in trust by the United States for the benefit of individual Indians and tribal governments.”

In August of 2001, an independent audit of Indian trust funds for fiscal year 2000 showed that the Department of the Interior was maintaining approximately 1,400 accounts for 315 Indian tribes with assets in excess of \$2.6 billion.

Cost to Taxpayers: Though no CBO cost estimate is available, the bill would not authorize any new expenditures.

Does the Bill Create New Federal Programs or Rules?: The bill would adjust current law to discourage Indian tribes from making claims against the U.S. for losses to or mismanagement of tribal trust funds.

Constitutional Authority: The Senate Indian Affairs Committee, in Senate Report 107-138, fails to cite constitutional authority for this legislation.

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H.R. 1870 - Fallon Rail Freight Loading Facility Transfer Act (Gibbons)

Order of Business: The bill will be considered on March 6 under a motion to suspend the rules and pass the bill.

Summary: H.R. 1870 directs the Secretary of the Interior to convey property within the Newlands Project in Nevada to the city of Fallon in exchange for payment of the fair market value of such property without taking into consideration the value of any structures or improvements.

Additional Background: Fallon is a rural, agricultural community of 8,700 residents located in northern Nevada - approximately 70 miles east of Reno. Since 1984 the city has leased approximately 6.3 acres of property from the U. S. Bureau of Reclamation that it utilizes as a rail freight yard and loading facility.

On January 1, 2000 the long-term lease agreement between the City of Fallon and the Bureau of Reclamation expired. As negotiations began for a new long-term lease, the City of Fallon and the Bureau came to the conclusion that it would be in the best interest of both parties to have ownership of this property transferred to the City of Fallon. H.R. 1870 gives the City of Fallon exclusive right to purchase the property.

The bill was reported by the House Committee on Resources by unanimous consent on February 27, 2002.

Cost to Taxpayers: None. The bill authorizes the sale of federal land to the City of Fallon, Nevada. Funds from the sale will be credited to the appropriate fund in the Treasury relating to the Newlands Reclamation Project, Nevada.

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

Constitutional Authority: No committee report citing Constitutional Authority is available.

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H.R. 1883—Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act (Walden)

Order of Business: The bill is scheduled to be considered on Wednesday, March 6th, under a motion to suspend the rules and pass the bill, pending the passage of a rule allowing a suspension of the rules on a Wednesday. House Rule XV (Section 1a) states that, “The Speaker may not entertain a motion that the House suspend the rules except on Mondays and Tuesdays and during the last six days of a session of Congress.”

Summary: H.R. 1883 would authorize “such sums as are necessary” for the Secretary of the Interior to conduct a feasibility study on whether the federal Bureau of Reclamation should participate in construction projects for water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

Cost to Taxpayers: CBO estimates that H.R. 1883 would cost taxpayers \$650,000 over the 2002-2007 period. The bill would not affect mandatory spending or federal revenues.

Does the Bill Create New Federal Programs or Rules?: The bill would authorize a new study into whether the federal government should participate in future water projects.

Constitutional Authority: The House Resources Committee (in House Report 107-363) cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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H. R. 1963—To amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System (*Costello*)

Order of Business: The bill will be brought up under suspension on Wednesday, March 6, 2002, provided the House approves a rule allowing suspensions on Wednesday.

Summary: H.R. 1963 would amend the National Trails System Act to add the George Rogers Clark Northwest Campaign Trail in Indiana and Illinois to the list of routes to be studied for inclusion in the National Trails System by the National Park Service.

Additional Information: In 1779, during the American Revolutionary War, American Lieutenant Colonel George Rogers Clark learned that British Lieutenant Governor Henry Hamilton was paying Native Americans to raid the American settlements. With Virginia Governor Patrick Henry's support, Clark marshaled volunteers from among the frontiersmen

and set out to attack British outposts along the Mississippi River and capture Hamilton. Clark arrived in Vincennes, Indiana on February 23, 1779, after an 18-day, 180-mile march across frozen plains and icy waters. He ordered his men to march all the company's flags back and forth behind a bluff in sight of the fort. Hamilton, thinking he was overwhelmed by a company of 600 men instead of 200, thought he should surrender. He requested that Clark meet with him at a nearby church on February 24 to discuss terms. On the morning of February 25, Hamilton surrendered. He was imprisoned at Williamsburg, and the British never regained control of the fort. An American flag was raised above the fort and cannon shots were fired in celebration. As a result of this military campaign, the British ceded the Northwest Territory (what is now Ohio, Indiana, Illinois, Michigan, Wisconsin, and the Eastern portion of Minnesota) to the United States. Source:

http://www.americaslibrary.gov/pages/jb_0225_surrender_1.html

Administration's Position: “The Department supports H.R. 1963 with amendment to clarify the boundary of the area to be studied [Note: bill was *not* amended in this manner]. **However, in light of the President's commitment to reducing the backlog of deferred maintenance needs within the National Park System, we will neither request funding for this study, so as to focus available time and resources on completing previously authorized studies, nor be able to begin the study until at least fiscal year 2003, as there are 39 authorized studies that are pending, and we only expect to complete a few of those this year”** [emphasis added].—Dr. Michael Soukup, National Park Service, October 16, 2001 subcommittee testimony.

Cost to Taxpayers: Based on information provided by the National Park Service, CBO estimates that H.R. 1963 will cost between \$250,000 and \$400,000 over the next two or three years, subject to appropriations, to conduct the required study and report to the Congress on its findings.

Constitutional Authority: The Resources Committee, in Report No. 107-318, finds Constitutional Authority in Article I, Section 8 (Powers of Congress), but does not cite a specific clause, and Article IV, Section 3 (Rules and Regulations for U.S. Property).

Does the Bill Create New Federal Programs or Rules: The bill would authorize a new study of a trail for future inclusion in the National Trails System.

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**H. CON. RES. 275—Expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds
(Hansen)**

Order of Business: The resolution will be brought up on Wednesday, March 6, 2002, under an open rule with one hour of general debate.

Summary: Under the Migratory Bird Treaty of 1918 (signed by the U.S., Canada, Great Britain, Japan, Mexico and Russia) it is illegal for American hunters to shoot mourning doves before Sept. 1. In most northern states, migratory mourning doves have already flown to warmer climates by Sept. 1. H.Con.Res. 275 resolves that this treaty should be renegotiated so that hunters in all states located north of 37 degrees north latitude “have an opportunity to harvest migratory mourning doves in an equitable manner” and that hunting season for these birds should begin a week earlier in the Northern states.

The concurrent resolution has seven findings including:

- Whereas sportsmen have a strong commitment to the health, conservation, and enjoyment of wildlife, as demonstrated by the millions of dollars they have voluntarily paid over the past 70 years into the Federal Aid to Wildlife Restoration Fund established by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.);
- Whereas mourning dove hunting has been a cherished and honored tradition in the United States for generations;

And Resolves that it is the sense of Congress, “that to provide a fair and equitable opportunity” for individuals to hunt for mourning doves:

- The Migratory Bird Treaty Act of 1918 should be modified to allow for mourning dove hunting during the last week of August in areas north of 37 degrees north latitude, as approved by the parties to the appropriate international agreement;
- The US should take immediate steps to begin discussions with the appropriate parties to ensure that all Americans have an opportunity to harvest migratory mourning doves in an equitable manner; and
- The concurrent resolution also resolves that this extended hunting season will improve hunting opportunities without causing negative impacts on mourning dove populations; will generate additional revenue for wildlife conservation and management through the sale of hunting permits; and will continue to provide for the conservation and enhancement of mourning dove populations.

Cost to Taxpayers: The concurrent resolution has no cost.

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

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

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