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*2d Session*
HOUSE OF REPRESENTATIVES
REPT. 108–582
Part 1

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACCEPT A PARCEL OF FEDERAL LAND IN THE STATE OF WASHINGTON IN TRUST FOR THE NISQUALLY TRIBE, TO ENSURE THAT THE ACCEPTANCE OF SUCH LAND DOES NOT ADVERSELY AFFECT THE BONNEVILLE POWER ADMINISTRATION, AND FOR OTHER PURPOSES

JULY 6, 2004.—Ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

# REPORT

[To accompany H.R. 4362]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4362) to authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Adminstration, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

## PURPOSE OF THE BILL

The purpose of H.R. 4362 is to authorize the Secretary of the Interior to accept a parcel of federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

This bill authorizes the Secretary of the Interior to accept land in trust for the benefit of the Nisqually Tribe pursuant to the terms of a land exchange authorized in Section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315). Such Act provides a land exchange involving the Nisqually Tribe, the U.S. Army's Fort Lewis, Washington, and the Bonneville Power Administration. Section 2837 of that Act contains technical errors, which are corrected by H.R. 4362.

## COMMITTEE ACTION

H.R. 4362 was introduced on May 13, 2004, by Congressman Adam Smith D–WA. The bill was referred to the Committee on Resources and in addition to the Committee on Armed Services. On May 19, 2004, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill will result in net direct spending of $2.6 million over 2005–2009. Relocating the transmission line is expected to cost $3.4 million. Because the Bonneville Power Administration recoups its costs through the rates it charges its customers for electricity and transmission services, Bonneville is expected to recover its total costs overly roughly 40 years—the asset life of the project. Bonneville's spending is not subject to appropriation.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 30, 2004.*

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4362, a bill to authorize the Secretary of the Interior to accept a parcel of federal land in the state of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa Cash Driskill.

Sincerely,

ELIZABETH M. ROBINSON,
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 4362—A bill to authorize the Secretary of Interior to accept a parcel of federal land in the state of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes*

H.R. 4362 would allow the Department of Interior to take into trust a parcel of federal land in the state of Washington for the Nisqually Tribe. In exchange for the land, the tribe would provide an adjacent parcel of land to the Department of Army. Under the bill, the Army would provide an easement to the Bonneville Power Administration (BPA) for the purpose of removing about 1 mile of transmission power lines from the land that would be taken into trust for the tribe under the bill.

Based on information from BPA, CBO estimates that moving a transmission line from the land that would be transferred to the tribe under the bill would cost $3.4 million over the 2005–2006 period. The transmission line would be relocated to other federal land under the bill.

Because BPA recoups its costs through the rates it charges its customers for electricity and transmission services, we would expect BPA to recover about $750,000 of that cost over the 2005–2009 period, about $1.8 million over 10 years, and all of that cost over roughly 40 years—the asset life of the project. Because BPA's spending authority is not subject to appropriation, CBO estimates that implementing H.R. 4362 would result in net direct spending of $2.6 million over the 2005–2009 period and $1.6 million over the 2005–2014 period.

H.R. 4362 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no significant costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Lisa Cash Driskill. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
*Washington, DC, June 23, 2004.*

Hon. DUNCAN HUNTER,
*Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On May 19, 2004, by unanimous consent the Committee on Resources ordered favorably reported H.R. 4362, a bill to authorize the Secretary of the Interior to accept a parcel of federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes. This bill was referred primarily to the Committee on Resources and additionally to the Committee on Armed Services.

When H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, was considered on the House Floor before the Memorial Day District work period, a version of H.R. 4362 was successfully offered as an amendment to that bill by its author, Congressman Adam Smith. He did so with my support, and I appreciate both of you working with the Committee on Resources to allow us to work through regular order to consider this legislative proposal.

Because it appears that the land conveyance to benefit the Nisqually Tribe will occur in the context of H.R. 4200, I have no plans to move H.R. 4362 separately to the Floor. However, I wish to file the bill report so that there is a legislative history for the proposal. To this end, I ask that you not insist on the Committee on Armed Services' additional referral and allow your Committee to be discharged from further consideration of the bill.

Of course, by agreeing to this request, you are not waiving jurisdiction over H.R. 4362, nor is this action to be construed as a precedent for other, similar legislation. In addition, in the unlikely event that H.R. 4362 should move forward in the legislative process and a conference with the Senate is called for, I would support a request from the Committee on Armed Services to be represented on that conference. Finally, I would include this letter and any response you might have in the Committee on Resources' bill for H.R. 4362.

Thank you for your consideration of my request. I appreciate our continued excellent working relationship and look forward to working with you again.

Sincerely,

RICHARD W. POMBO,
*Chairman.*

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 21, 2004.*

Hon. RICHARD POMBO,
*Chairman, Committee on Resources,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Armed Services in matters being considered in H.R. 4362, a bill to authorize the Secretary of the Interior to accept a parcel of federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes.

Our Committee recognizes the importance of H.R. 4362 and your desire to file the report. Therefore, while we have a valid claim to jurisdiction over a number of provisions of the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Armed Services.

Additionally, the Committee on Armed Services asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference. The Committee also asks that this letter and the Committee on Resources' response be included in the report of this bill.

With best wishes.

Sincerely,

DUNCAN HUNTER,
*Chairman.*

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