

DESIGNATION OF NATIONAL TREE

SEPTEMBER 17, 2004.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1775]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1775) to amend title 36, United States Code, to designate the oak tree as the national tree of the United States, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 1775 is to designate the tree genus *Quercus*, commonly known as the oak tree, as the national tree.

BACKGROUND AND NEED FOR THE LEGISLATION

The oak tree was chosen by the American people as the national tree in a 4-month-long open voting process sponsored by the Na-

tional Arbor Day Foundation in 2001. It received over 100,000 votes out of some 400,000 total 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 United States Capitol grounds.

The oak was the natural choice for the national tree. Its many species are common to all 50 States, and six States have already named the oak as their State tree.¹ The oak tree has also played an important role in the history of the United States. For example, the Charter Oak, which is featured on the back of the Connecticut quarter, served as a hiding place for that State's charter when the British sought to have the charter surrendered in 1687. Furthermore, the oak tree's strength and durability as a building material is well known; the U.S.S. Constitution, commonly known as "Old Ironsides," has a hull constructed of live oak.

If H.R. 1775 is enacted, the oak tree would join the "Star-Spangled Banner," "In God We Trust," the rose, and "The Stars and Stripes Forever" in Title 36, United States Code, as a symbol of the United States.

HEARINGS

No hearings were held in the Committee on the Judiciary on H.R. 1775.

COMMITTEE CONSIDERATION

On May 13, 2004, the Subcommittee on the Constitution met in open session and ordered favorably reported the bill H.R. 1775, by a voice vote, a quorum being present. On September 9, 2004, the Committee met in open session and ordered favorably reported the bill H.R. 1775, without an amendment, by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee's consideration of H.R. 1775.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

¹ Connecticut, Georgia, Illinois, Iowa, Maryland, and New Jersey are the States that have designated the oak as their State tree.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1775, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 14, 2004.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1775, a bill to amend title 36, United States Code, to designate the oak tree as the national tree of the United States.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 1775—A bill to amend title 36, United States Code, to designate the oak tree as the national tree of the United States.

H.R. 1775 would amend federal law to make the tree genus *Quercus* (commonly known as the oak tree) the national tree of the United States. CBO estimates that implementing H.R. 1775 would have no significant cost and would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 1775 is to designate the tree genus *Quercus*, commonly known as the oak, as the national tree of the United States.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, §8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Sec. 1. Designation of National Tree. This section designates the tree genus *Quercus*, commonly known as the oak tree, as the national tree, and makes conforming amendments to Chapter 3, Title 36.

Sec. 1 does not specify any particular *species* of oak, but rather designates the *genus Quercus* (oak) as the official national tree. By so defining the national tree, this designation will include oak varieties that span the continent, such as the Live Oak, the Northern Red Oak, the Arizona White Oak, and many more.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 36, UNITED STATES CODE

* * * * *

SUBTITLE I—PATRIOTIC AND NATIONAL
OBSERVANCES AND CEREMONIES

PART A—OBSERVANCES AND CEREMONIES

CHAPTER	Sec.
1. PATRIOTIC AND NATIONAL OBSERVANCES	101
3. NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM[, AND MARCH] <i>MARCH, AND TREE</i>	301
* * * * *	

CHAPTER 3—NATIONAL ANTHEM, MOTTO, FLORAL
EMBLEM[, AND MARCH] *MARCH, AND TREE*

Sec.	
301. National anthem.	
* * * * *	
305. <i>National tree.</i>	
* * * * *	

§ 305. *National tree*

The tree genus Quercus, commonly known as the oak tree, is the national tree.

* * * * *

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, SEPTEMBER 8, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., [Chairman of the Committee] Presiding.

[Intervening business.]

Chairman SENSENBRENNER. The next item on the agenda is the adoption of H.R. 1775, "to amend Title 36, United State Code, to designate the oak tree as the national tree of the United States." The Chair recognizes the gentleman from Ohio, Mr. Chabot, the Chairman of the Subcommittee on the Constitution for a motion.

Mr. CHABOT. I move that the bill be reported.

[The bill, H.R. 1775, follows:]

108TH CONGRESS
1ST SESSION

H. R. 1775

To amend title 36, United States Code, to designate the oak tree as the national tree of the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. GROSS, and Mr. OSBORNE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 36, United States Code, to designate the oak tree as the national tree of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DESIGNATION OF NATIONAL TREE.**

4 (a) DESIGNATION.—Chapter 3 of title 36, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 305. National tree**

8 “The tree genus *Quercus*, commonly known as the
9 oak tree, is the national tree.”.

1 (b) CONFORMING AMENDMENTS.—Such title is
2 amended—

3 (1) in the table of contents for part A of sub-
4 title I, by striking “, **and March**” and inserting
5 “**March, and Tree**”;

6 (2) in the chapter heading for chapter 3, by
7 striking “, AND MARCH” and inserting “MARCH,
8 AND TREE”; and

9 (3) in the table of sections for chapter 3, by
10 adding at the end the following:

“305. National tree.”.

○

Chairman SENSENBRENNER. Okay. The gentleman from Ohio on behalf of the Subcommittee moves that the bill be reported favorably with a favorable recommendation to the full House. Without objection, the bill will be considered as read and open for amendment at any point. The Chair recognizes the author of the legislation, the gentleman from Virginia, Mr. Goodlatte, to strike the last word.

Mr. GOODLATTE. Mr. Chairman, thank you for holding a markup of this legislation designating the oak as America's national tree. During a 4-month long on-line election with almost half a million votes logged, the American people chose the oak tree as America's national tree. To make official what the American people have already chosen, I introduced H.R. 1775 last April which will officially designate the oak as America's national tree.

As a Member of Congress representing a heavily forested district in Virginia, I know firsthand how trees add to our quality of life. As Chairman of the House Agriculture Committee, I appreciate how trees and forests enhance the environment, add recreational opportunities, and provide for the livelihoods of millions of individuals in the forest industry.

Whether enjoying a product generated from a forest or the simple satisfaction of lying under a shaded giant, trees contribute to all Americans.

The strong and stately oak tree is of particular importance in America's history and culture. Not only is this majestic tree an aesthetic beauty that characterizes the landscape of much of our great Nation, it also provides us with wood products in our homes, our offices and our places of gathering. Present in all 50 States, the oak has played a huge role in America's history as a valuable resource.

It helped our Founding Fathers establish a new Nation, supplying building materials for the ever-expanding 13 original colonies. It served as a familiar site to pioneers as they forged across the new republic to the West Coast and to this day has remained an enduring valuable and highly priced raw material from which beautifully crafted furniture, sturdy door and window framing or ornate flooring and paneling and the like are made.

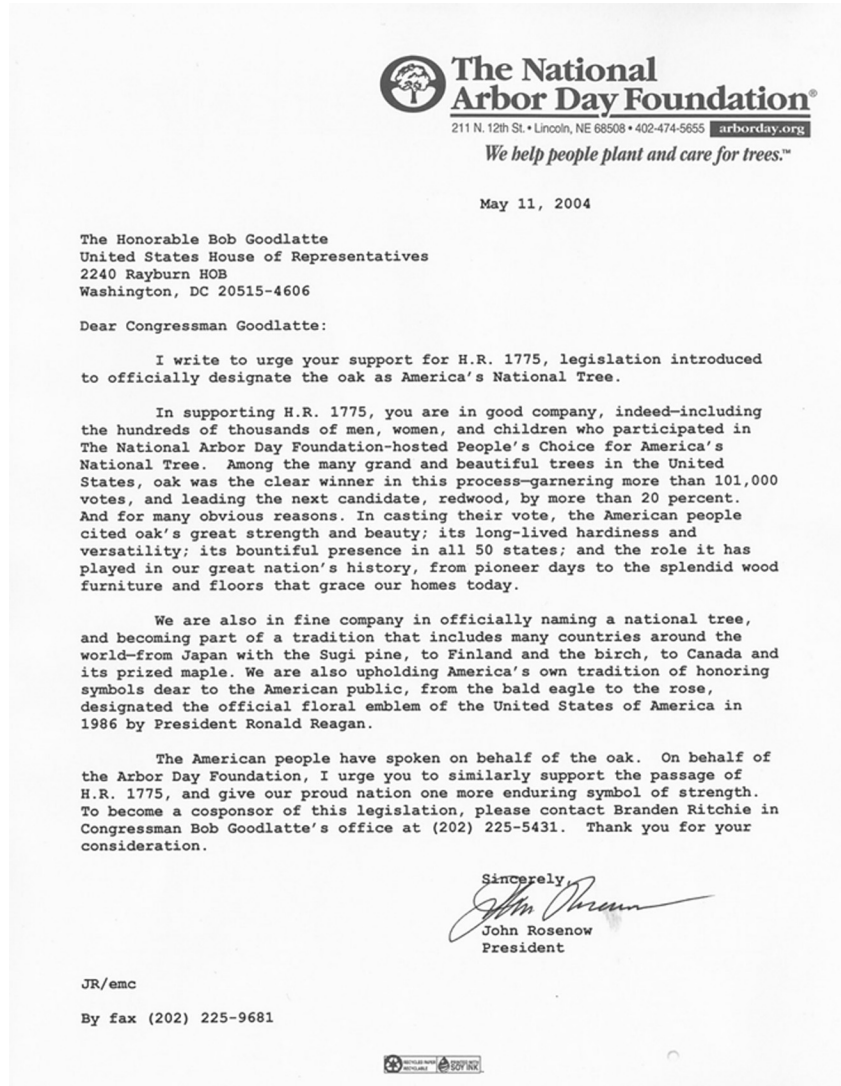
This enduring and mighty tree, which has long been part of our national heritage and strength, fully merits the distinction of America's national tree. The oak tree has played a key role in many specific historic monuments in our Nation's history.

Abraham Lincoln found his way across a river near Homer, Illinois, using the Salt River Fort Oak as a marker. When King James II attempted to revoke Connecticut's charter, the Charter White Oak is said to have been the hiding place for the historic document. Andrew Jackson took shelter under Louisiana's Sunnybrook Oak on his way to the Battle of New Orleans, and Old Ironsides is not made of iron. The USS Constitution earned its nickname from the strength of its live oak hull, famous for easily repelling British cannonballs.

Chosen by the people in a broad-based election, the oak tree represents the fundamental characteristics of this great Nation: strength, endurance and beauty.

I urge the Members of this Committee to make official what we have known for many years, that the oak tree is America's national tree.

[A letter of support from The National Arbor Day Foundation follows:]



Chairman SENSENBRENNER. [Presiding.] Does anybody wish to make an opening statement on the Democratic side?

If not, all Members—

Mr. KELLER. Mr. Chairman.

Chairman SENSENBRENNER. —have 5 days in which to insert opening statements in the record at this point.

Are there any amendments?

The gentleman from Florida, Mr. Keller.

Mr. KELLER. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. KELLER. Obviously, this is a very controversial piece of legislation. I received a lot of heat from the American Palm Tree Association about this. There was an oak tree that recently fell on my mom's home in Hurricane Charley that resulted in it totally being razed. I just want to know if the author would consider a minor substitution to change the word "oak" to "palm" in this amendment.

Mr. GOODLATTE. Would the gentleman yield?

Mr. KELLER. I will yield.

Mr. GOODLATTE. Palm wasn't even close in the running.

Mr. KELLER. All right. I will vote for it then.

I yield back the balance of my time.

Chairman SENSENBRENNER. Are there any amendments? You are sure?

Well, if there are no amendments, then the Chair notes the presence of a reporting quorum and the question occurs on the motion to report the bill H.R. 1775 favorably. All those in favor will say aye. Aye. Opposed, no.

The ayes appear to have it. The ayes have it.

The motion to report favorably is agreed to. Without objection, the Chairman is authorized to move to go to conference pursuant to House Rules. Without objection, the staff is directed to make any technical and conforming changes; and all Members will be given 2 days as provided by House rules in which to submit additional dissenting, supplemental or minority views.

