



Legislative Bulletin.....July 10, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$2.2 million in FY07, \$20 million over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 2

Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority: 4

H.R. 122 — Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project — *as amended* (Issa, R-CA)

Order of Business: The bill is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 122 authorizes the Secretary of Interior, in cooperation with the Eastern Municipal Water District, California, to participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district. The bill limits the federal share to 25% of the total project costs, and prohibits the use of federal funds for project operation or maintenance. H.R. 122 provides for the termination of the Secretary's authority 10 years after the date of enactment.

Additional Information: According to the Committee Report 109-423, "the Eastern Municipal Water District (EMWD) provides water service to a rapidly growing population of more than 500,000... In light of growing demand, EMWD has invested in developing and managing local water resources, including groundwater recharge, brackish groundwater desalination, and water recycling. ... While nearly 70% of the recycled water goes to agricultural customers, municipal and industrial demands for this supply are rapidly increasing. As this transition from agricultural use to urban use progresses, water recycling system infrastructure investments in operational storage, flow-control, and pressure zones are needed. H.R. 122 will provide limited funding to assist EMWD in upgrading and expanding its water recycling system."

Committee Action: H.R. 122 was introduced on January 4, 2005 and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill, as amended, by unanimous consent on April 25, 2006.

Cost to Taxpayers: According to CBO, enactment of H.R. 122 will authorize, \$1 million in FY07, \$5 million over the 2007-2011 period, and \$7 million after 2011. CBO states, "The Bureau of Reclamation estimates that the project will cost \$48 million. In addition, it expects the project to take 10 to 15 years to build. For this estimate, CBO expects that about \$1 million a year would be needed to meet the federal share (25 percent) of the project costs."

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, it provides a new stream of federal funding for a local water project.

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

Constitutional Authority: The Committee finds authority in Article I, Section 8 of the United States Constitution, but fails to cite a specific clause. House Rule XIII, Section 3(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. 2563 — To authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes — *as amended* (Otter, R-ID)

Order of Business: The bill is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 2563 authorizes \$3 million for the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in Idaho that are deemed appropriate for further study by the 2006 Bureau of Reclamation Boise Payette water storage assessment report. H.R. 2563 provides for the termination of the Secretary's authority 10 years after the date of enactment.

Additional Information: According to Committee Report 109-420, "A water use assessment and forecast study, funded by the Bureau of Reclamation, estimated that by 2025, annual water demand in the Boise Valley would grow by 74 percent. ... Before any new storage could be built, a number of economic, engineering and environmental studies are required to take place. As part of this process, Reclamation is currently conducting a water storage assessment in this area. The water storage assessment will use the best available information to examine and prioritize water storage options at a reconnaissance level and will not require the collection of new data."

Committee Action: H.R. 2563 was introduced on May 24, 2005 and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill, as amended, by unanimous consent on April 25, 2006.

Cost to Taxpayers: CBO confirms that H.R. 2563 authorizes \$3 million over the 2007-2011 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, it provides a new stream of federal funding for a local water project.

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

Constitutional Authority: The Committee finds authority in Article I, Section 8 of the United States Constitution, but fails to cite a specific clause. House Rule XIII, Section 3(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. 3897 — Madera Water Supply and Groundwater Enhancement Project Act — *as amended* (Radanovich, R-CA)

Order of Business: The bill is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 3897 authorizes such sums as necessary for the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, to study and report to Congress on the feasibility of constructing the Madera Water Supply and Enhancement Project. The bill limits the federal share of the total cost of the study to 50 percent. H.R. 3897 also authorizes the Secretary to, upon determining that the new project is feasible, to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the design and construction of the project.

The bill limits the federal share of the total capital costs of the project to 25 percent. H.R. 3897 provides for the termination of the Secretary's authority 10 years after the date of enactment.

Additional Information: According to Committee Report 109-368, "The Madera Water District is in the process of developing the Madera Water Supply and Groundwater Enhancement Project in an effort to help drought-proof Central California's San Joaquin Valley. The District recently purchased a 13,648-acre ranch which would be used for the Project. Under this proposed project, pumping facilities would convey District water to the ranch, where the water would be allowed to percolate and form a 'water bank' beneath the ranch. The Project would help the District in its efforts to conserve and more efficiently use its local and Central Valley Project water supplies."

Committee Action: H.R. 3897 was introduced on September 27, 2005 and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill, as amended, by unanimous consent on January 31, 2006.

Cost to Taxpayers: According to CBO, H.R. 3897 would authorize \$1 million in FY07, and \$12 million over the 2007-2011 period. In addition, CBO states, "According to the Bureau of Reclamation, the total cost of the study and project would be about \$41 million with a total federal cost of about \$12 million."

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, it provides a new stream of federal funding for a local water project.

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

Constitutional Authority: The Committee finds authority in Article I, Section 8 of the United States Constitution, but fails to cite a specific clause. House Rule XIII, Section 3(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. 3462 — To provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes — *as amended* (Bishop, R-UT)

Order of Business: The bill is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 3462 directs the Secretary of Interior to convey to Park City, Utah, two parcels of property located in Park City that are currently under the management jurisdiction of the Bureau of Land Management (BLM) and known as the White Acre and Gambel Oak properties. The bill requires that the conveyance be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used only for public recreation purposes or other similar purposes. H.R. 3462 requires Park City, Utah to pay to the Secretary of Interior an amount "consistent with

conveyances to governmental entities for recreational purposes under the Recreation and Public Purposes Act.” According to CBO, the amount paid by Utah to the Secretary will be “negligible.”

H.R. 3462 also directs the Secretary to sell two specified parcels of property (different from the two parcels of land previously mentioned) located in Park City that are currently under the management jurisdiction of the BLM, and requires that the land be sold through a competitive bidding process and for not less than fair market value.

Additional Information: According to Committee Report 109-418, “Park City, Utah currently holds a 25 year Recreation and Public Purposes Act lease on Bureau of Land Management (BLM) lands within the city limits. Consistent with Park City’s long-term management plan for sensitive lands, the City has begun purchasing large blocks of environmentally-sensitive land and has placed those lands in conservation status. Park City recently approved a \$20 million bond for the purchase of such lands.” The Committee Report also states that the sale of the land provided for in the bill will be used to enhance existing BLM resources in the State of Utah.

Committee Action: H.R. 3462 was introduced on July 27, 2005 and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill, as amended, by unanimous consent on March 29, 2006.

Cost to Taxpayers: According to CBO, “enacting H.R. 3462 would have no significant impact on the federal budget. The bill would not affect revenues. According to the agency, the affected federal parcels currently generate no significant receipts and are not expected to do so over the next 10 years.”

Does the Bill Expand the Size and Scope of the Federal Government?: No. The bill reduces federal landholdings in the state of Utah. According to the GSA, as of September 2004, the federal government owned 57.5% of all land in Utah.

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

Constitutional Authority: The Committee finds authority in Article I, Section 8 of the United States Constitution, but fails to cite a specific clause. House Rule XIII, Section 3(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. 5061 — Paint Bank and Wytheville National Fish Hatcheries Conveyance Act — as reported (Boucher, D-VA)

Order of Business: The bill is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5061 requires the Secretary of the Interior to convey federal real property interests in the Paint Bank and Wytheville National Fish Hatcheries to the State of Virginia. The U.S. will retain a

reversionary interest in the Hatcheries if they are not used as part of the State of Virginia fish culture program.

Additional Information: According to the committee report, the Paint Bank National Fish Hatchery is on 490 acres, and the Wytheville hatchery is on 134 acres. Over the years, the number of federally owned hatcheries has been declining while maintenance is increasingly backlogged due to a reduction in personnel. The transfer of interest includes, “residences, an administrative building, flammable storage building, sewage treatment plant and concrete linear raceways for the production of cold water fisheries.”

The State of Virginia has been operating the two hatcheries under a 25-year lease. Additionally, Virginia has spent nearly \$5 million renovating and improving the hatcheries.

Committee Action: H.R. 5061 was introduced on March 30, 2006, and referred to the House Resources Committee’s Subcommittee on Fisheries and Oceans. The bill was marked-up and ordered to be reported to the House by unanimous consent on June 21, 2006 (H. Rept. 109-533).

Cost to Taxpayers: CBO estimates that H.R. 5061 would have no effect 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 Report 109-533, cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 of the Constitution, the Commerce Clause.

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H.R. 5232 — Cherry Valley National Wildlife Refuge Study Act — *as reported* **(Kanjorski, D-PA)**

Order of Business: The bill is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 5232 directs the Secretary of Interior Requires the Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service (USFWS), to initiate a study to evaluate fish and wildlife habitat and aquatic and terrestrial communities in northeastern Pennsylvania for potential acquisition and subsequent inclusion in a future Cherry Valley National Wildlife Refuge. The bill authorizes \$200,000 for the study. The Secretary is directed to submit to the House Resources Committee and the Senate Committee on Environment and Public Works, a report including the following:

- “a map that identifies and prioritizes specific lands, waters, and interests therein for future acquisition, and that delineates an acquisition boundary, for a potential Cherry Valley National Wildlife Refuge;

- “a cost estimate for the acquisition of all lands, waters, and interests therein that are appropriate for refuge status; and
- “an estimate of potentially available acquisition and management funds from non-Federal sources.”

H.R. 5232 lists a number of findings, including the following:

- “The scenic Cherry Valley area of Northeastern Pennsylvania is blessed with more than 80 special-concern animal and plant species and natural habitats;
- “In a preliminary assessment of Cherry Valley, United States Fish and Wildlife Service biologists ranked Cherry Valley very high as a potential national wildlife refuge;
- “Six species that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) have been documented within or near Cherry Valley: The bog turtle (possibly the most significant population of the listed subspecies), the dwarf wedge mussel, the northeastern bulrush, the small whorled pogonia, the bald eagle, and the Indiana bat (a historic resident, with efforts under way to re-establish favorable conditions);
- “Many of the significant wildlife habitats found in the Cherry Valley, especially the rare calcareous wetlands, have disappeared from other localities in their range;
- “Area landowners, business and community leaders, media, and elected officials have consistently voiced their enthusiasm for a Cherry Valley National Wildlife Refuge;
- “A voter-approved Monroe County Open Space Fund and a voter-approved Stroud Township municipal land conservation fund have contributed to many of these projects; and
- “Two federally owned parcels of land are contiguous to the area to be studied under this Act as for acquisition and inclusion in a future Cherry Valley National Wildlife Refuge: The Delaware Water Gap National Recreation Area and a 700-acre segment of the Appalachian Trail owned by the National Park Service.”

Committee Action: H.R. 5232 was introduced on April 27, 2006 and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill, by unanimous consent on June 21, 2006.

Cost to Taxpayers: CBO confirms that H.R. 5232 authorizes \$200,000 for a new wildlife refuge study

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.Con.Res. 427 — Permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs — *as introduced* (Buyer, R-IN)

Order of Business: The resolution is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res 427 would authorize the rotunda of the Capitol, “to be used on July 19, 2006, for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.”

Additional Information: According to the Department of Veterans Affairs’ (VA) website, the 75th anniversary of the DVA was July 21, 2005 (<http://www1.va.gov/opa/feature/history/>). On July 18 last year, the House passed H. Res. 361, recognizing the 75th anniversary of the establishment of the Department. According to the Committee on Veterans Affairs, this use of the rotunda for this celebration was at the request of the Secretary.

Committee Action: H.Con.Res. 427 was introduced on June 13, 2006, and referred to the Committee on House Administration, which took no official action.

Cost to Taxpayers: The resolution authorizes 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. 5589 — To direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation — *as introduced* (Souder, R-IN)

Order of Business: The bill is scheduled for consideration on Monday, July 10, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5589 would transfer the Customs and Border Protection (CBP) unit known as the Shadow Wolves to Immigration and Customs Enforcement (ICE). The pay scale of Shadow Wolves officers would be equalized to that of all ICE officers. Additionally, the legislation allows the Secretary of the Department of Homeland Security to create similar units.

Additional Information: Similar language passed the House as part of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 on December 16, 2005 by a vote of 239-182 (roll call no. 661) (<http://clerk.house.gov/evs/2005/roll661.xml>).

The Shadow Wolves were recognized by Congress in 1972. They patrol the international land border within the Tohono O'odham Indian nation in the State of Arizona. The Shadow Wolves’ officers are Native Americans who combine modern technology and traditional Native American tracking techniques.

According to the sponsor's office, transferring the Shadow Wolves to ICE would return the unit to its drug enforcement and anti-smuggling role and raise morale and membership.

Committee Action: H.R. 5589 was introduced on June 12, 2006, and referred to the Committee on Homeland Security. On June 15, 2006 the bill was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, which took no official action.

Cost to Taxpayers: After calls to CBO and the sponsor's office, a cost estimate for H.R. 5589 remains unavailable. According to the sponsor's office and the bill text, the bill includes an increase in pay for the Shadow Wolves officers in order to pay the officers the same scale as all ICE officers. However, CBO reports to RSC staff that an increase in pay for the handful of officers in the unit would have no significant impact on the budget. **Additionally, more units could be created.**

Does the Bill Expand the Size and Scope of the Federal Government?: No, unless the new units are in addition to existing authorities.

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.

House Rule XIII, Section 3(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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