



## Legislative Bulletin.....April 12, 2005

### Contents:

**H.R. 135**—Twenty-First Century Water Commission Act of 2005

**H.R. 482**— Pine Springs Land Exchange Act

**H.R. 541**—To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries

**H.R. 18**—Southern California Remediation Act

**H.R. 794**—Colorado River Indian Reservation Boundary Correction Act

### Summary of the Bill Under Consideration Today:

**Total Number of New Government Programs:** 1 new commission and 1 new trust fund

**Total Cost of Discretionary Authorizations:** \$59 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:** 5 of 5

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 0 (No reported bills are available)

**H.R. 541 — To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries — *as introduced* (Gibbons)**

**Order of Business:** The bill is scheduled for consideration on April 12, 2005, under a motion to suspend the rules and pass the bill. A similar bill passed the House in the 108<sup>th</sup> Congress (H.R. 272) on July 16, 2003.

**Summary:** H.R. 541 directs the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries. Currently, both lands are used as cemeteries by the respective counties through the permitting process of the federal agencies. H.R. 541 provides that if the land is ever used for any purposes other than a cemetery, after appropriate notice and hearings, the title of the land shall revert to the United States. The bill also allows the appropriate Secretary to waive this reversion provision if it is determined to be in the best interest of the United States.

**Additional Background:** According to GSA, as of September 30, 2002, the federal government owned 91.7 percent of the land in Nevada.

**Committee Action:** H.R. 541 was introduced on February 2, 2005, and referred to the Committee on Resources. The Committee has not considered the bill this Congress.

**Cost to Taxpayers:** H.R. 541 was not scored by CBO this year, but CBO estimated the similar 108<sup>th</sup> House bill would have cost less than \$50,000 in administrative expenses.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No, this bill shrinks the size of government by reducing federal land holdings.

**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 for this bill. However, on a similar 108<sup>th</sup> House bill the Committee found authority in Article I, Section 8 (Powers of Congress) and Article IV, Section 3 (Powers of Congress over territory and national property) of the Constitution, but failed to cite a specific clause.

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## **H.R. 482 — Pine Springs Land Exchange Act — *as introduced* (Neugebauer)**

**Order of Business:** The bill is scheduled for consideration on April 12, 2005, under a motion to suspend the rules and pass the bill. A similar bill passed the House in the 108<sup>th</sup> Congress (H.R. 4806) on September 22, 2004.

**Summary:** H.R. 482 directs the Secretary of Agriculture to convey to Lubbock Christian University by quitclaim deed all right of the United States to specified Federal lands in the Lincoln National Forest, New Mexico, in exchange for the conveyance of certain non-Federal land owned by the University. Both the federal and non-federal lands comprise approximately 80 acres. The costs of implementing the land exchange will be shared equally by the Department of Agriculture and Lubbock Christian University. This bill instructs the land exchange to be carried out within 180 days after enactment “to the extent practicable.”

**Committee Action:** H.R. 482 was introduced on February 1, 2005, and referred to the Committee on Resources and the Subcommittee on Forests and Forest Health on February 9, 2005. The Committee

has not considered the bill, but did report out a similar bill in the 108<sup>th</sup> Congress, though no committee report was ever filed.

**Cost to Taxpayers:** A CBO score of H.R. 482 is unavailable, but the bill does not authorize new expenditures.

**Equal Value Exchanges:** The bill requires that the fair market values of the Federal land and non-Federal land exchanged to be equal or, if they are not equal, to be equalized according to the Federal Land Policy Management Act of 1976. The fair market value of the land shall be determined by appraisals acceptable to the Secretary of Agriculture and Lubbock Christian University.

**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:** A Committee Report citing constitutional authority is unavailable.

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## **H.R. 135 — Twenty-First Century Water Commission Act of 2005** **— as introduced (Linder)**

**Order of Business:** The bill is scheduled for consideration on April 12, 2005, under a motion to suspend the rules and pass the bill. A similar bill passed the House in the 108<sup>th</sup> Congress (also H.R. 135) on November 21, 2003.

**Summary:** H.R. 135 establishes a new Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs, including:

- Project future water supply and demand;
- Study current water management programs of Federal, Interstate, State, and local agencies and private sector entities directed at increasing water supplies and improving the availability, reliability, and quality of freshwater resources; and
- Consult with representatives of such agencies and entities to develop recommendations for a comprehensive water strategy.
- Require that the strategy: (1) identify incentives intended to ensure an adequate and dependable water supply to meet U.S. needs for the next 50 years; (2) suggest strategies that avoid increased mandates on State and local governments, considering all available technologies; and (3) suggest financing options.

This bill states that the Commission will be composed of nine members who shall be appointed no later than 90 days after the date of enactment of this Act. Five members will be appointed by the

President, two members will be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader, and three members will be appointed by the Majority Leader of the Senate in consultation with the Minority Leader.

**Committee Action:** H.R. 135 was introduced on January 4, 2005, and referred to the Committee on Resources and the Committee on Transportation and Infrastructure. Neither Committee has considered the bill, but a similar bill was considered and reported out of the Committee on Transportation 108<sup>th</sup> Congress (H. Rept. [108-309](#)).

**Cost to Taxpayers:** H.R. 135 authorizes the appropriation of \$9 million.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. This bill creates a new federal commission that authorizes the appropriation of \$9 million. The Commission will not expire until up to 30 days after the Commission submits its final report to Congress.

**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 for this bill. However, the Committee Report from the similar 108<sup>th</sup> House bill cited authority under Article I, Section 8 (Powers of Congress) of the Constitution, but failed to cite a specific clause.

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## **H.R. 18—Southern California Remediation Act (*Baca*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, April 12<sup>th</sup>, under a motion to suspend the rules and pass the bill. This identical bill passed the House last Congress by voice vote (H.R. 4606). The Senate did not consider the bill.

**Summary:** H.R. 18 would establish a “Southern California Groundwater Remediation Fund” at the U.S. Treasury. The fund would be used to provide grants to reimburse the local water authority for the federal share of groundwater remediation. The local share of projects must be at least 35 percent. A manager’s amendment is expected to include a provision sunsetting the Fund after ten years.

**Additional Background:** According to the committee report from last Congress, 30 water wells, throughout the Santa Ana watershed (southern California), are shut down because of perchlorate contamination. Perchlorate is an ingredient of rocket fuel and roadside flares, and if ingested via the water supply, can damage a person’s thyroid gland.

**Committee Action:** On January 4, 2005, the bill was referred to the Resources Committee, which took no official action on it.

**Cost to Taxpayers:** Although no CBO score is yet available, the bill would authorize \$50 million over the FY2005-2009 period, subject to appropriation.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill creates a new fund at the U.S. Treasury to fund groundwater remediation grants.

**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.

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## **H.R. 794 —Colorado River Indian Reservation Boundary Correction Act (Grijalva)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, April 12<sup>th</sup>, under a motion to suspend the rules and pass the bill. This identical bill passed the House last Congress by voice vote (H.R. 2941). The Senate did not consider the bill.

**Summary:** H.R. 794 would correct the south boundary of the Colorado River Indian Reservation (created along the Colorado River in Arizona and California by Act of Congress in 1865) by reestablishing such boundary as it was delineated by a land survey in 1875 and a resurvey in 1912. This correction would have the effect of adding the “La Paz lands” to the Reservation (and would not affect any existing water or public access rights, were applicable, nor any mining or other commercial lease activities). The total addition to the Reservation would be 16,000 acres (all of which are in Arizona and currently managed by the Bureau of Land Management).

**Committee Action:** On February 14, 2005, the bill was referred to the Resources Committee, which took no official action on it.

**Cost to Taxpayers:** Although a current cost-estimate is unavailable, CBO estimated that the identical version from last Congress would have no significant impact 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:** A committee report citing constitutional authority is unavailable.

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