



**Legislative Bulletin.....September 16, 2003**

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**S. 520—Fremont-Madison Conveyance Act (Senator Crapo)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 16<sup>th</sup>, under a motion to suspend the rules and pass the bill. On June 16, 2003, the Senate passed the bill by unanimous consent. Last year, the House passed legislation (H.R. 4708) by voice vote that included language nearly identical to S. 520.

**Summary:** S. 520 would direct the Secretary of the Interior to convey the canals, laterals, drains, and other components (including the Teton Exchange Wells) of the water distribution and drainage system that is operated or maintained by the Fremont-Madison Irrigation District, Idaho, to this District as soon as possible. If the conveyance is not completed by September 13, 2004, the Secretary would have to report the reasons for delay to Congress.

The Irrigation District would be required to pay the federal government the lesser of the net present value of the remaining obligations owed by the District to the federal government (with respect to the facilities conveyed), or \$280,000. The District would also be required to pay for all administrative costs related to the conveyance.

Prior to the conveyance the Secretary would have to complete all actions that may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

S. 520 would also relieve the federal government of any liability arising from the conveyance (except for obvious negligence).

Lastly, within 60 days of enactment of this bill, the Secretary of the Interior would have to initiate a drought management planning process to address all water uses, including irrigation and the wild trout fishery, in the Henry's Fork watershed. Within 18 months of enactment of this bill, the Secretary would have to submit a report and final drought management plan to Congress.

**Committee Action:** On May 21, 2003, the Senate Committee on Energy & Resources marked up and favorably reported the bill by voice vote to the full Senate.

**Administration Position:** John W. Keys III, Commissioner of the Interior Department's Bureau of Reclamation, told the Senate Committee on Energy & Resources that "the Administration supports S. 520 as written."

**Cost to Taxpayers:** CBO estimates that, due to terms of the conveyance and existing contract requirements, the federal government would receive \$133,000 in revenues in FY2004 yet subsequently lose \$10,000 in revenues annually through FY2030.

**Does the Bill Create New Federal Programs or Rules?:** The bill would result in the conveyance of water-district facilities to a locality in Idaho.

**Constitutional Authority:** Although the committee report (#108-62) from the Senate Committee on Energy & Resources does not include a constitutional authority statement, last year the House Resources Committee, in House Report 107-641 for H.R. 4708, cited constitutional authority in Article I, Section 8, but did not cite a specific clause.

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## **H.R. 2040— To amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska (Osborne)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 16, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2040 extends until December 31, 2005, water contracts between the Interior Department and purchasers of irrigation water in Wyoming and Nebraska from the Glendo Reservoir of the Missouri River Basin Project. This is the 3<sup>rd</sup> time Congress has extended the contracts, the first being in 1998 (Public Law 105-293) and then again in 2000 (Public Law 106-377). According to the Resources Committee, the parties involved believe habitat recovery plans will be completed by December 2005, and these extensions would give Glendo irrigators time to renegotiate current contracts once the agreement is completed. While, without H.R. 2040, the

existing contracts will expire on December 31, 2003, the Secretary of the Interior does have the authority under current law to renew these contracts on an annual basis. Such annual renewals, though, require the Secretary to prepare an environmental impact statement and carry out mitigation efforts, costs that are avoided under H.R. 2040.

**Additional Information:** According to the Committee: Glendo Dam is one of seven Bureau of Reclamation facilities currently being evaluated under a cooperative agreement signed in July 1997 between the States of Wyoming, Nebraska, and Colorado and the Department of the Interior. The agreement is a framework for a joint, basin-wide research effort to improve the habitat of four threatened and endangered species (the whooping crane, interior least tern, piping plover, and the pallid sturgeon) in the central Platte River. The original term of the agreement was three years, or until June 30, 2000. The four parties have agreed to extend the agreement in an attempt to finish the forthcoming Platte River Environmental Impact Statement (EIS) and Record of Decision (ROD) required under the National Environmental Policy Act expected to be completed in 2005.

While the agreement process continues, nine Glendo water contracts with the Bureau of Reclamation have been up for renewal. Since future contracts will probably have to be modified as a result of additional water needs for endangered species habitat recovery programs set forth in the EIS and subsequent ROD, the irrigators are reluctant to enter into new contracts without a clear water use and delivery roadmap set forth in the EIS.

**Committee Action:** H.R. 2040 was introduced on May 8, 2003 and referred to the Committee on Resources, from where it was reported by unanimous consent on July 9, 2003.

**Cost to Taxpayers:** CBO estimates that enacting H.R. 2040 would have no significant impact on the federal budget. Based on information provided by the Bureau of Reclamation, CBO estimates that enacting H.R. 2040 would allow the Bureau to avoid costs of less than \$500,000 in 2004 and smaller amounts in future years. While individuals contracting for water reimburse these agency costs, CBO estimates the avoided agency costs match the forgone reimbursement.

**Constitutional Authority:** The Resources Committee (in Report 108-259) finds authority under Article I, Section 8 of the Constitution (the Powers of Congress) but fails to cite a specific clause.

**Does the Bill Create New Federal Programs or Rules?:** The bill extends Interior Department contracts in current law by an additional three years.

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**H.R. 1284—To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (*Napolitano*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1284 would amend the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-13) to increase by \$12.5 million the federal share of the costs of the San Gabriel Basin demonstration project. The original Act in 1992 limited the federal share for this project to 25% of total costs; amendments in 1996 capped the federal share at **\$38.0 million**. About \$29 million has been appropriated to date.

**Additional Background:** According to the House Resources Committee, groundwater in the San Gabriel Basin in Southern California aquifer provides drinking water for almost 1.5 million people in southern California, and contamination is threatening water supplies. The Bureau of Reclamation is assisting in a project that will extract groundwater from an area in the Basin, remove the contaminants, and deliver the treated water.

Increasing the federal share of the project would allow it to expand to three bordering areas of operation.

**Committee Action:** On April 3, 2003, the Subcommittee on Water and Power marked up and favorably reported the bill by voice vote to the full Resources Committee. On June 11, 2003, the Committee favorably reported the bill to the full House by unanimous consent.

**Administration Position:** **The Administration does NOT support H.R. 1284.** On April 1, 2003, John W. Keys III, Commissioner of the Interior Department's Bureau of Reclamation, testified before the Subcommittee on Water and Power as follows:

“Based on our investigation of this project, we do not believe a cost ceiling increase is warranted at this time, and therefore the Administration cannot support H.R. 1284 as written. We believe that there is sufficient funding available to provide the Federal cost share for all projects that are contemplated for the San Gabriel Basin cleanup program.”

To read Commissioner Keys' complete testimony, visit this website:

<http://resourcescommittee.house.gov/108cong/water/2003apr01/keys1284.htm>

**Cost to Taxpayers:** CBO confirms that H.R. 1284 would authorize \$12.5 million in appropriations, spread out over the FY2006-FY2008 period.

**Does the Bill Create New Federal Programs or Rules?:** The bill would increase the federal share of an existing water treatment demonstration project.

**Constitutional Authority:** The House Resources Committee, in House Report 108-204, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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## **H.Con.Res. 235—Celebrating the life and achievements of Lawrence Eugene "Larry" Doby (*Pascrell*)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 235 would resolve that Congress:

- “expresses profound sorrow on the death of Lawrence Eugene ‘Larry’ Doby, and extends condolences to his family;
- “expresses its deep appreciation to Larry Doby and his family for the impact that he made in pioneering civil rights by breaking down racial barriers in baseball and in America; and
- “commends Larry Doby as a courageous leader, a role model, and a paradigm of the American Dream.”

**Additional Background:** In 1943, Larry Doby became the first black American to play professional basketball for the Paterson Panthers, a member of the American Basketball League. Four years later, Doby became the first black American to play professional baseball in the American League and started a highly successful career spanning more than 1500 games and seven all-star games. In 1978, Doby became the manager of the Chicago White Sox, only the second black American manager of a Major League baseball team. And in 1998, Doby was elected to the National Baseball Hall of Fame.

For more background, visit this website:

[http://www.baseballlibrary.com/baseballlibrary/ballplayers/D/Doby\\_Larry.stm](http://www.baseballlibrary.com/baseballlibrary/ballplayers/D/Doby_Larry.stm)

**Committee Action:** On July 24, 2003, the House Committee on Government Reform marked up and favorably reported the resolution by voice vote to the full House.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

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

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## **H.Res. 352 - Remembering and honoring the March on Washington of August 28, 1963 (*Bishop (GA)*)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 16, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** The resolution has 17 findings regarding the August 28, 2003, March on Washington, which was the largest political demonstration in U.S. history. Included in the findings are:

- Whereas the first call for a march on Washington was initiated in 1941 by A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, in response to the blatant discrimination that had become a constant hardship in the lives of African-American workers;
- Whereas in June of 1963 the “Big Six” civil rights leaders--Martin Luther King, Jr., James Farmer, John Lewis, Whitney Young, Roy Wilkins, and A. Philip Randolph--convened to plan a mass protest that would begin at the Washington Monument and end in front of the Lincoln Memorial;
- Whereas the march was initially termed the “March on Washington for Jobs and Freedom”, and aimed to advance support for a new Federal jobs program and a higher minimum wage;
- Whereas the Big Six expanded the focus of the march to include civil rights injustices due to the disturbing events that had occurred in the months prior to the march, such as police dogs attacking peaceful demonstrators in Birmingham, the assassination of Medgar Evers in Jackson, and the lack of congressional support for President Kennedy's civil rights bill;
- Whereas March leaders met with President Kennedy and Members of Congress to discuss the importance and consequential impact of the pending civil rights bill that aimed to end discrimination of African-Americans in the work place, voting booth, educational facilities, and all other public domains;
- Whereas the March sparked the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

And resolves that the House of Representatives:

- “honors the 1963 March on Washington as one of the largest political demonstrations in United States history;
- “recognizes the monumental importance of the 1963 March on Washington in the ongoing struggle for civil rights and equal rights for all Americans; and
- “extends its gratitude to the organizers and participants of the 1963 March on Washington for their dedication and commitment to equality and justice.”

**Additional Information:** The Civil Rights Act was signed into law by President Johnson on July 2, 1964. The House of Representatives passed the bill on February 10, 1964, 289 to 126, a vote in which 79% of Republicans and 63% of Democrats voted yes. While Democrat Senate Majority Leader Michael Mansfield and Senator Hubert Humphrey spearheaded passage of the Act, Democrat Senators Sam Ervin, Albert Gore Sr., and Robert Byrd fought its passage. Senator Byrd filibustered against the Civil Rights Act for fourteen hours before the final vote. The Senate vote on June 19, 1964, was 73 to 27, with 21 Democrats and 6 Republicans voting no. To read the original Civil Right Act go to: <http://usinfo.state.gov/usa/infousa/laws/majorlaw/civilr19.htm>  
To read the original Voting Rights Act go to: <http://usinfo.state.gov/usa/infousa/crights/reports/vrights.pdf>

**Committee Action:** H.Res. 352 was introduced on September 3, 2003 and referred to the Committee on Government Reform from where it was reported by unanimous consent on September 12, 2003.

**Cost to Taxpayers:** The resolution has no cost.

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

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### **S. 678—Postmasters Equity Act of 2003 (*Sen. Akaka*)**

**Note:** S. 678 is identical to H.R. 2249, a bill sponsored by Rep. McHugh and passed by the House by voice vote on July 21, 2003.

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 16, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** The bill amends 39 U.S.C. chapter 10, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies (pay and benefits, etc.), schedules, and programs of the U.S. Postal Service. Under current law, postmasters and postmasters' organizations are not included in the planning and development consultation program for personnel not subject to collective-bargaining agreements (i.e. non-union personnel).

**Committee Action:** S. 678 was introduced on March 20, 2003 and passed the Senate on July 29, 2003.

**Cost to Taxpayers:** Based on information from the Postal Service about its current treatment of postmasters, CBO estimates that implementing the bill's provisions would lead to an insignificant change in the agency's net cost. (Cash flows of the Postal Service are classified as off-budget.)

**Constitutional Authority:** The Senate rules do not require the committee report to cite constitutional authority.

**Does the Bill Create New Federal Programs or Rules?:** The bill amends current law to include postmasters and postmasters' organizations in current Postal Service programs.

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**H.Res. \_\_—Expressing profound sorrow for the death of the Honorable Frank O’Bannon and gratitude to the Honorable Frank O’Bannon for serving the State of Indiana with honor and distinction (Burton)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, September 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. \_\_ would resolve that Congress:

- “has learned with profound sorrow of the death of the Honorable Frank O’Bannon on September 13, 2003, and extends condolences to the O’Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;
- “expresses its profound gratitude to the Honorable Frank O’Bannon for the services that he rendered to the Nation in the United States Air Force, the Indiana State Legislature, and the Indiana Governor’s Office; and
- “recognizes with respect the Honorable Frank O’Bannon’s integrity, steadfastness, and loyalty to the State of Indiana and the United States.”

**Additional Background:** Frank O’Bannon was the governor of Indiana for six-and-a-half years and died on September 13, 2003 of a cerebral hemorrhage and brain swelling. Lieutenant Governor Joe Kernan became acting governor on September 8, 2003.

For more background on Governor O’Bannon, visit this website:

<http://www.in.gov/gov/bio/index.html>

**Committee Action:** The resolution went directly to the House floor and was not considered by committee.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

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

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**H.Res. \_\_— Honoring the 50th anniversary of the SBA and recognizing Small Business Week (Manzullo)**

**Order of Business:** The resolution is scheduled for consideration on Tuesday, September 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** The bill resolves that the House:

- “(1) supports the goals and ideals of National Small Business Week, and the events surrounding the 50th anniversary of the founding of the Small Business Administration;



“(2) congratulates Hector V. Barreto, the Administrator of the Small Business Administration, for the Administration’s ongoing contributions to America’s economic vitality; and

“(3) reaffirms that the Small Business Administration, through its loan, technical assistance, and entrepreneurial development programs, plays an important role in assisting small businesses to ensure a brighter, stronger future for this Nation.”

**Additional Background:** According to the resolution “the Small Business Administration was officially established in 1953 and for the past 50 years has played a vital role in ensuring that the door to the American Dream is truly open to all entrepreneurs.” In addition, “the Nation’s 25 million small businesses employ more than half of all private sector employees, pay 44.5 percent of the total United States private payroll, and generate 60 to 80 percent of all net new jobs annually.”

The President has designated the week beginning on Monday, September 15, 2003, as “National Small Business Week.”

**Committee Action:** The resolution was introduced on September 16 and was not considered by committee.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

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## **H.R. 13—Museum and Library Services Act of 2003 (Hoekstra)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

The House passed H.R. 13 on March 6 by a vote of 416-2. The Senate passed the bill, with amendment, on August 1 by unanimous consent. The House will move to suspend the rules and agree to the Senate amendment.

**Summary:** H.R. 13 reauthorizes the Museum and Library Services Act (MLSA, P.L. 104-208). MLSA created the Institute of Museum and Library Services (IMLS), an independent federal agency that provides grant funding to libraries and museums through the Library Services and Technology Act and the Museum Services Act.

IMLS currently administers four grant programs for libraries (grants to State Library Agencies, Native American Library Services, Native Hawaiian Library Services, and National Leadership Grants for Libraries) and five grant programs for museums (General Operating Support, Museum Assessment Program, Conservation Project Support, Conservation Assessment Program, and National Leadership Grants for Museums).

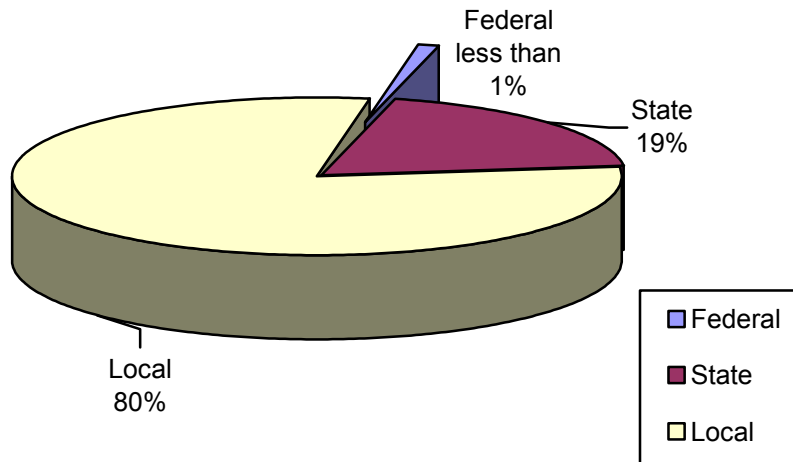
H.R. 13 makes a variety of changes to current law, as follows (note - changes from the House bill adopted in the Senate amendment are in **bold**):

- Requires the Director of IMLS to ensure that library activities are coordinated with activities conducted through the Improving Literacy Through School Libraries Program authorized in the No Child Left Behind Act of 2001;
- Increases peer review of grant applications;
- Prohibits grants to projects that are determined to be obscene under regulations and policies developed by the Director of IMLS;
- Eliminates General Operating Support grants;
- Eliminates advisory duties in current law for the National Commission on Libraries and Information Science and consolidating those duties under the existing Museum Services Board, which will expand to include library services;
- Increases the federal administrative set-aside under the Library Services and Technology Act from 3 percent to 3.5 percent to allow for an annual analysis of the impact of museum and library services;
- Increases the minimum state library grant allotment from \$340,000 to \$680,000. A hold harmless provision ensures that no state will receive less funding than was received in fiscal year 2003;
- Expands the definition of “museum” to include aquariums, arboretums, botanical gardens, art museums, children’s museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums and zoological parks;
- **Prohibits funds from being used to construct museums or libraries.**
- Authorizes greater collaboration between museums, libraries, schools and other community organizations;
- **Increases the maximum indemnity caps under the Arts and Artifacts Indemnity Act from \$500 million per exhibition to \$600 million, with the total cap on all indemnity agreements in place at one time increasing from \$5 billion to \$8 billion.** Under the Arts and Artifacts Indemnity Act, indemnity agreements can be made with individuals, non-profit organizations, and government units for objects coming from overseas for exhibition in the U.S. These agreements are backed by the full faith and credit of the United States. Since 1975, two payments have been made by the federal government totaling \$105,000;
- **Designates the “Capital Children’s Museum” as the “National Children’s Museum;”**
- Increases authorization levels from \$150 million and such sums to **\$232 million** and such sums for the Library Services and Technology Act (LSTA) (the House version of H.R. 13 authorized \$210 million and the House-passed FY 2004 Labor/HHS/Ed appropriations bill provides \$204 million); and
- Increases authorization levels from \$28.7 million and such sums to **\$38.6 million** and such sums for Museum Services (the House version of H.R. 13 authorized \$35 million and the House-passed FY 2004 Labor/HHS/Ed appropriations bill provides \$33.9 million).

**Additional Background:** IMLS was created in 1996 as part of the Omnibus Consolidated Appropriations Act. The Senate legislation to establish IMLS was sponsored by Senator Jim Jeffords. There was no similar House legislation.

**Funding for Public Libraries:**

Source: American Library Association



**Committee Action:** H.R. 13 was referred to the House Committee on Education and the Workforce and reported to the full House by voice vote on February 13.

**Cost to Taxpayers:** H.R. 13 authorizes **\$270.6 million** (House-passed total = \$245 million) in spending for IMLS in FY04 with such sums for the following years (through FY09). The Congressional Budget Office estimated that the House-passed version of H.R. 13 would cost \$1.3 billion over the 2004-2009 period. An updated cost estimate reflecting the changes made by the Senate amendment is not available.

**The authorization level and CBO estimate above do not take into account the traditional earmarks that have been included in annual appropriations bills for museums and libraries. In the FY03 Omnibus, such earmarks totaled more than \$35 million and included funds for the National Baseball Hall of Fame and Museum, the National Cowgirl Museum and Hall of Fame, and the Please Touch Museum. While no earmarks are contained in the House-passed FY 2004 Labor/HHS/Ed appropriations bill, the Senate bill includes \$38.2 million in earmarks.**

**Does the Bill Create New Federal Programs or Rules?:** The bill reauthorizes and makes changes to the Institute for Museum and Library Services, as described above.

**Constitutional Authority:** The Education and the Workforce Committee, in House Report 108-16, cites constitutional authority under Article I, Section 8, Clause 1.

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