



Legislative Bulletin.....November 17, 2003

Contents:

- S.J.Res. 22**—Recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research
- H.R. 1367**—To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations
- H.R. 3217**—To provide for the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida
- H.R. 3157**—To provide for the designation of a Department of Agriculture disaster liaison to assist State and local employees of the Department in coordination with other disaster agencies in response to a federal declared disaster area as a result of a disaster
- H.R. 2304**—To resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey
- H.R. 3353** — George Henry White Post Office Building Designation Act
- S. 1590** —James E. Davis Post Office Building Redesignation Act
- H.R. 3300** — Walter F. Ehrnfelt, Jr. Post Office Building Designation Act
- H.R. 3185** — Hugh Gregg Post Office Building Designation Act
- S.J.Res. 18** — Commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years
- H.Con.Res. 299** — Honoring Mr. Sargent Shriver for his dedication and service to the United States of America, for his service in the United States Navy, and for his lifetime of work as an ambassador for the poor and powerless citizens of the United States of America, and for other purposes
- H.R. 3198**—John F. Kennedy Center Reauthorization Act of 2003
- H.R. 1274**—To direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county
- S. 1066**—A bill to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System
- H.R. 1648**—Carpinteria and Montecito Water Distribution Systems Conveyance Act
- H.R. 1732**—Williamson County Water Recycling Act
- H.R. 3209**—To amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project



Summary of the Bills Under Consideration Today

Total Number of New Government Programs: 1

Total Cost of Discretionary Authorizations: In excess of \$113 million over 5 years

Total Amount of Revenue Reductions: None

Total Increase in Mandatory Spending: None

Total New State & Local Government Mandates: None

S.J.Res. 22—Recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research (Sen. Cochran)

Order of Business: The resolution is scheduled for consideration on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: S.J.Res. 22 resolves that Congress:

- “(1) recognizes the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research; and
- “(2) acknowledges the promise of the Agricultural Research Service to continue to perform outstanding agricultural research in the next 50 years and beyond.”

Additional Background: According to the resolution, the Agricultural Research Service is the primary research agency of the Department of Agriculture and provides the Department of Agriculture and other Federal offices with “objective research that is critical to the missions of those offices.”

Committee Action: S.J.Res. 22 was introduced on November 3, 2003, and passed the Senate by unanimous consent the same day. Neither S.J.Res 22 nor similar legislation were considered by committee in the House.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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H.R. 1367—To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations (Pickering)

Order of Business: The bill is scheduled for consideration on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1367 establishes a new loan repayment program for veterinary medicine at the Department of Agriculture. Persons eligible for the program would have to be veterinarians serving in veterinarian shortage areas under terms of an agreement with the Department. The agreement would specify the years of service required in a shortage area and the amount and schedule of loan repayment.

Both federal and commercial loans could be repaid. Additional payments could be made to provide reimbursement for individual tax liability that may result from participation in the program. H.R. 1367 authorizes “such sums” for the program.

Committee Action: The Committee on Agriculture favorably reported H.R. 1367 by voice vote on October 29.

Administration Position: The Department of Agriculture supports the bill.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates a new federal loan repayment program for veterinarians.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 3217—To provide for the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida (Boyd)

Order of Business: The bill is scheduled for consideration on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3217 authorizes the Secretary of Agriculture to convey four parcels of property in the Apalachicola National Forest, totaling approximately 11 acres, to the Mt. Trial Primitive Baptist Church of Wakulla County, Florida. The conveyance would resolve a boundary discrepancy.

Committee Action: The Committee on Agriculture favorably reported H.R. 3217 by voice vote on October 29.

Cost to Taxpayers: CBO estimates that H.R. 3217 would have no significant impact on the federal budget.

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

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 3157—To provide for the designation of a Department of Agriculture disaster liaison to assist State and local employees of the Department in coordination with other disaster agencies in response to a federal declared disaster area as a result of a disaster (Blunt)

Order of Business: The bill is scheduled for consideration on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3157 requires the Secretary of Agriculture to designate employees of the Department of Agriculture to serve as disaster liaisons to State and local Department Service Centers in a federally declared disaster area to coordinate programs with the appropriate disaster agencies.

The duties of the liaison would be as follows:

- (1) serve as a liaison to State and Federal Emergency Services;
- (2) be deployed to a federally declared disaster area to coordinate Department interagency programs in assistance to agricultural producers in the declared disaster area;
- (3) facilitate the claims and applications of agricultural producers who are victims of the disaster; and
- (4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

Currently, the Department of Agriculture carries out liaison functions through State and local employees of the Department.

Committee Action: The Committee on Agriculture favorably reported H.R. 3157 on October 29th by voice vote.

Cost to Taxpayers: CBO estimates that implementing H.R. 3157 would have no significant impact on the federal budget.

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

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 2304—To resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey (Blunt)

Order of Business: The bill is scheduled for consideration on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2304 would provide a process for the Forest Service and the U.S. Army Corps of Engineers to resolve boundary disputes with private landowners around the Mark Twain National Forest. The bill would give property owners who have ownership disputes with the two agencies 15 years to notify the federal government of their claims. Upon receipt of a valid claim, the appropriate agency would then either convey the disputed property to the private owners or confirm federal ownership and compensate the private owners for the value of the disputed land. In the first case, the agencies could convey the land without consideration and pay associated administrative costs and reimbursements to the landowner.

Additional Background: Recent land surveys by the U.S. Forest Service and the Corps of Engineers have led to revised land boundaries near the Mark Twain National Forest. These new federal land boundaries resulted in the taking of land from private property owners, who were not compensated.

Committee Action: The bill was referred to the Committee on Agriculture and the Committee on Transportation and Infrastructure. The Committee on Agriculture favorably reported the bill on October 29 by voice vote. The Transportation Committee did not consider the bill.

Cost to Taxpayers: CBO estimates that implementing H.R. 2304 would cost less than \$500,000 annually.

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

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 3353 - George Henry White Post Office Building Designation Act
(Balance)

Order of Business: The bill is scheduled for consideration on Monday, November 17, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3353 designates the U.S. Post Office located at 525 Main Street in Tarboro, North Carolina, as the “George Henry White Post Office Building.”

Additional Background: George Henry White was a former Member of Congress from North Carolina. He was born in Rosindale, N.C., in 1852, graduated from D.C.’s Howard University in 1877, and was admitted to the bar in 1879. He served in the State house of representatives in 1881, in the State senate in 1885, and as solicitor and prosecuting attorney for the second judicial district of North Carolina from 1886-1894. He was elected as a Republican to the 55 and 56th Congresses (March 4, 1897-March 3, 1901), but did not seek reelection. He died December 28, 1918.

Committee Action: H.R. 3353 was introduced on October 21, 2003, and referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

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S. 1590 - James E. Davis Post Office Building Redesignation Act (Sen.
Schumer)

Order of Business: The bill is scheduled for consideration on Monday, November 17, 2003, under a motion to suspend the rules and pass the bill.

Summary: S. 1590 designates the U.S. Post Office located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the “James E. Davis Post Office Building.”

Additional Background: New York City Councilman James E. Davis was born on April 3, 1962, and was murdered in New York's City Hall on July 23, 2003, by a political rival. A Brooklyn native and former police officer, he became a corrections officer at New York's Rikers Island. In 1991, he went to work for the Transit Police, and then transferred to the NYPD in 1993. Later that same year, he went to work as a social science instructor at the police academy. Davis headed "LOVE YOURSELF" Stop the Violence, a non-profit organization he founded in 1990. Davis was elected to the New York City Council in November 2001. For more information on "LOVE YOURSELF" Stop the Violence go to: <http://www.jedavis-stopviolence.org/meta2.html>

Committee Action: S. 1590 was introduced on October 21, 2003, and passed the Senate on October 29 by unanimous consent. It was referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to "establish Post Offices and post Roads."

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H.R. 3300 — To designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building" (LaTourette)

Order of Business: The bill is scheduled for consideration on Monday, November 17, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3300 designates the U.S. Post Office located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building."

Additional Background: Walter Ehrnfelt, Jr., was the Republican Mayor of Strongsville, Ohio for 25 years until his death in May of this year. He was born in 1932 and had lived in Strongsville most of his life. He and his wife, Anne, had four children and eleven grandchildren and were members of the Strongsville United Methodist Church. Mr. Ehrnfelt was elected to the Strongsville School Board in 1974 and was President of the Board the next two years. In 1977, he ran for City Council and took office in January 1978 as a councilman, being appointed Mayor a short time later. The Mayor was elected for six continuous four-year terms, the last starting in 2000.

Committee Action: H.R. 3300 was introduced on October 15, 2003, and referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

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H.R. 3185 — Hugh Gregg Post Office Building Designation Act (Bass)

Order of Business: The bill is scheduled for consideration on Monday, November 17, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3185 designates the U.S. Post Office located at 38 Spring Street in Nashua, New Hampshire as the “Hugh Gregg Post Office Building.”

Additional Background: Hugh Gregg, the former Republican Governor of New Hampshire from 1953-1955, died in September of this year at the age of 85. He was elected alderman-at-large in 1947 and then as mayor of Nashua in 1949. He served in World War II and The Korean War. Gregg did not run for reelection for governor in 1956, but ran again in 1960, losing to the incumbent Governor Wesley Powell. He is the father of U.S. Senator Judd Gregg.

Committee Action: H.R. 3185 was introduced on September 25, 2003, and referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on October 8.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

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S.J.Res. 18 — Commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years (Sen. Collins)

Note: S.J.Res. 18 is identical, except in bill title, to H.J.Res. 70, which passed the House on October 15, 2003 by voice vote.

Order of Business: The resolution is scheduled for consideration on Monday, November 17, 2003, under a motion to suspend the rules and pass the bill.

Summary: S.J.Res. 18 has nine findings regarding Inspector Generals and resolves that Congress:

- “recognizes the many accomplishments of the Inspectors General in preventing and detecting waste, fraud, abuse, and mismanagement in the Federal Government;
- “commends the Inspectors General and their employees for the dedication and professionalism displayed in the performance of their duties; and
- “reaffirms the role of Inspectors General in promoting economy, efficiency, and effectiveness in the administration of the programs and operations of the Federal Government.”

Additional Information: As mentioned in the resolution’s findings, the Inspector General Act of 1978 (5 U.S.C. App.) was signed into law on October 12, 1978, and I.G.’s now exist in the 29 largest executive branch agencies and in 28 other designated Federal entities.

Committee Action: S.J.Res. 18 was introduced on September 29, 2003, and passed the Senate by unanimous consent on October 14. The House Government Reform Committee reported out an almost identical bill on October 2, 2003.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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H.Con.Res. 299 — Honoring Mr. Sargent Shriver for his dedication and service to the United States of America, for his service in the United States Navy, and for his lifetime of work as an ambassador for the poor and powerless citizens of the United States of America, and for other purposes (McKeon)

Order of Business: The resolution is scheduled for consideration on Monday, November 17, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 299 has 12 findings regarding Mr. Sargent Shriver and resolves that Congress:

- “honors Mr. Sargent Shriver for his dedication and service to the United States of America, for his service in the United States Navy, and for his lifetime of work acting as an ambassador for the poor and powerless citizens of the United States; and
- “recognizes Mr. Sargent Shriver for his steadfast dedication and lifelong service to his country.”

Additional Information: According to the resolution’s findings, from 1961 to 1966, Mr. Shriver organized and directed the Peace Corps. During President Lyndon B. Johnson's administration, Mr. Shriver helped establish Head Start, VISTA, Community Action, Job Corps, Legal Services, Foster Grandparents, Indian and Migrant Opportunities, and Neighborhood Health Services. He was appointed by President Johnson to serve as United States Ambassador to France. He ran as the Democrat Vice Presidential candidate during Senator George McGovern's presidential campaign. In 1984, Mr. Shriver served as president of the Board of Directors of Special Olympics and he now serves as chairman of the Board Emeritus of Special Olympics. He has been honored with the Presidential Medal of Freedom, among other awards.

Committee Action: H.Con.Res. 299 was introduced on October 8, 2003, and referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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H.R. 3198—John F. Kennedy Center Reauthorization Act of 2003 (Young of Alaska)

Order of Business: The bill is scheduled to be considered on Monday, November 17th, under a motion to suspend the rules and pass the bill. Because H.R. 3198 authorizes more than \$100 million in spending, it is required under Rule 28 of the Rules of the Republican Conference to receive a waiver in order to be scheduled for consideration under suspension of the rules. Under Rule 28, a waiver may be granted by a majority of the Elected Leadership (Speaker, Leader, Whip, Conference Chair, Policy Chair, Conference Vice-Chair, Conference Secretary, and the Chairman NRCC).

Summary: H.R. 3198 would authorize appropriations for the John F. Kennedy Center in Washington, DC, as follows:

- Maintenance, Repair, and Security:
 - \$17 million for FY2004
 - \$18 million for FY2005
 - \$18 million for FY2006

- Capital Projects:
 - \$16 million for FY2004
 - \$18 million for FY2005
 - \$18 million for FY2006

Additionally, H.R. 3198 would establish a Project Team for the ongoing project of expanding and beautifying the Kennedy Center Plaza (authorized by Public Law 107-224). The Team would consist of the Secretary of Transportation, the Administrator of General Services, the Chairman of the Kennedy Center Board, and any other individuals as the Secretary deems appropriate. Any decision by the Board that would significantly affect the scope, cost, schedule, or engineering feasibility of any element of the Plaza Project, other than the buildings to be constructed on the Plaza (because those are to be funded privately), would be subject to the approval of the Project Team.

Until the Project is finished, the Comptroller General would have to review the Board's management and oversight of the Project and report the results periodically to Congress.

Additional Background: Public Law 85-874 established the National Center for the Performing Arts in 1958. In 1964, Public Law 88-260 established the performing arts center as a memorial to the late President Kennedy. In December 1965, President Johnson broke ground for the Kennedy Center on its current site, and in 1971, the building opened to its first visitors. Though established by Congress, the Kennedy Center only receives federal funds for the repair and upkeep of the physical infrastructure of the building and is required to raise private funds to support its artistic activities.

In 1994, Congress placed several new requirements on the Kennedy Center, including the development of a Comprehensive Building Plan (CBP). As a result, in 1996 the Kennedy Center developed a 10-year CBP that covered Fiscal Years 1999 through 2008. The plan was submitted to Congress, but only enough funds to complete the first five years of the plan were authorized. The plan was updated in 2002.

As currently drafted, the CBP envisions completion of 16 major and a number of minor capital projects. Included in this are restoration of the existing curtain wall; renovation of the motor lobby and roof terrace; various security improvements; ADA, fire, and life safety renovations to the theaters, restrooms, and office space; elevator and escalator modernization; parking and site circulation improvements; and other such renovations to the theaters, public areas, and building systems. The Kennedy Center estimates that completion of all of the projects identified by the CBP will cost just over \$75 million for Fiscal Years 2004 through 2008.

The Plaza project was authorized by Public Law 107-224 (H.R. 5012) in 2002, which authorized \$400 million over the FY2003-FY2010 period. To view the RSC Legislative Bulletin on H.R. 5012, visit this webpage: <http://www.house.gov/burton/RSC/Lb9402.pdf>

Committee Action: On October 1, 2003, the Transportation and Infrastructure Committee marked up and favorably reported the bill to the full House by voice vote.

Cost to Taxpayers: CBO confirms that H.R. 3198 would authorize \$33 million in FY2004 and a total of \$105 million over the FY2004-FY2006 period.

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

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 108-319, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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**H.R. 1274—To direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county
(Dooley)**

Order of Business: The bill is scheduled to be considered on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1274 would authorize the Administrator of General Services to convey to Fresno County, California (for “nominal consideration”), the building and site located at 1130 O Street in Fresno, California, known as the B.F. Sisk Federal Building and United States Courthouse—but only after completing construction of a new federal courthouse in Fresno County and the relocation of the Sisk Building tenants to the new federal courthouse. The

conveyed property would have to be a public building used primarily “for the administration of justice” for twenty years after the conveyance (otherwise the property would revert to the United States).

The conveyed property could not be used to house the homeless. *[Under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), surplus federal property can be made available for the homeless, subject to certain restrictions.]*

The new federal courthouse referenced in the legislation is already under construction and is expected to be completed by May 2005.

Committee Action: On September 24, 2003, the Subcommittee on Economic Development, Public Buildings and Emergency Management marked up and forwarded the bill to the full Transportation and Infrastructure Committee by voice vote. On October 1, 2003, the Committee marked up and ordered the bill favorably reported to the full House by voice vote.

Cost to Taxpayers: CBO estimates that “this conveyance would not have a significant impact on the federal budget.”

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

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 108-341, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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S. 1066—A bill to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System (Senator Hutchison)

Order of Business: The bill is scheduled to be considered on Monday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed S. 1066 by unanimous consent on November 6, 2003.

Summary: S. 1066 would remove the 19-acre, 45-lot Matagorda Dunes Homesites Subdivision from the T-07 unit map of the John H. Chafee Coastal Barrier Resources System, thereby making the subdivision eligible for federal flood insurance. This subdivision was erroneously included in the original map of the area. Areas designated as “undeveloped coastal barrier” in the John H. Chafee Coastal Barrier Resources System are ineligible to receive federal flood insurance assistance and federal infrastructure spending in order to discourage development of coastal barriers (strips of land between the ocean and the mainland).

Committee Action: The Senate-passed bill was referred to the House Resources Committee on November 7th but was not considered.

Cost to Taxpayers: CBO confirms that S. 1066 would not have any significant impact on the federal budget.

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

Constitutional Authority: Senate Committee Report 108-177 contains no constitutional authority statement, since Senate committees are not required to do so in their reports.

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H.R. 1648—Carpinteria and Montecito Water Distribution Systems Conveyance Act (*Capps*)

Order of Business: The bill is scheduled to be considered on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1648 would authorize (but not require) the Secretary of the Interior to convey U.S. interests in the Carpinteria Water Distribution System and the Montecito Water Distribution System, both of the Cachuma Project in California, to the Carpinteria Valley and Montecito Water Districts, respectively, in Santa Barbara County. The bill would relieve the federal government of liability for the water distribution systems and would make them ineligible for federal funds as parts of federal reclamation projects.

Committee Action: On October 29, 2003, the Resources Committee marked up and favorably reported the bill to the full House by unanimous consent.

Cost to Taxpayers: CBO reports that these conveyances would have no significant impact on the federal budget.

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

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 1732—Williamson County Water Recycling Act (*Carter*)

Order of Business: The bill is scheduled to be considered on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1732 would authorize the Secretary of the Interior, in cooperation with the Lower Colorado River Authority, Texas, to participate in the design, planning, and

construction (but not the operation or maintenance) of permanent facilities to reclaim and reuse water in Williamson County, Texas. The federal share of the project could not exceed 25% of the project's total cost.

Committee Action: On July 17, 2003, the Subcommittee on Water and Power marked up and forwarded the bill to the full Resources Committee by voice vote. On October 29, 2003, the Resources Committee marked up and favorably reported the bill to the House floor by unanimous consent.

Cost to Taxpayers: CBO estimates that H.R. 1732 would authorize appropriations of \$2 million for each of fiscal years 2004-2007.

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

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 3209—To amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project (Osborne)

Order of Business: The bill is scheduled to be considered on Monday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3209 would change the acreage for which the North Loup division is authorized to provide irrigation water in Nebraska under the Missouri River Basin Project from “fifty-three thousand acres” to “approximately 53,000 acres.” Apparently the likelihood is low that the project will stay within the 53,000 acre limit, as a result of certain environmental and construction realities.

Committee Action: On October 29, 2003, the Resources Committee marked up and favorably reported the bill to the full House by unanimous consent.

Cost to Taxpayers: CBO estimates that H.R. 3209 would have no effect on federal spending because implementing the bill would not authorize additional spending or modify the amounts charged for irrigation water.

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

Constitutional Authority: The Resources Committee, in House Report 108-356, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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