



Legislative Bulletin.....February 6, 2007

Contents:

H.R. 161 — Bainbridge Island Japanese American Monument Act of 2007

H.R. 512 — Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007

H.R. 235 — To allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District

H.R. 356 — To remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States

H.R. 386 — Yakima-Tieton Irrigation District Conveyance Act of 2007

H.R. 482 — American River Pump Station Project Transfer Act of 2007

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: unknown

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: 6

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

**H.R. 161 — Bainbridge Island Japanese American Monument Act of 2007
(Inslee, D-WA)**

Order of Business: The bill is scheduled for consideration on Tuesday, February 6, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 161 would adjust the boundary of the Minidoka Internment National Monument (hereafter referred to as the Monument) located in Idaho, and provide various federal assistance and federal grants in support of the Monument and the Nidoto Nai Yoni Memorial (hereafter referred to as the Memorial). Specifically the bill would:

- Adjust the boundary of the Monument to include the Nidoto Nai Yoni (“Let it not happen again”) Memorial, and commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II.
- Direct the Interior Secretary to administer the Memorial, and – for the purposes of developing, interpreting, operating, and maintaining the memorial – enter into agreements with: 1) the City of Bainbridge Island; 2) the Bainbridge Island Metropolitan Park Camp Recreational District; 3) the Bainbridge Island Japanese American Community Memorial Committee; 4) the Bainbridge Island Historical Society; 5) successor entities to all such named entities; and 6) other appropriate individuals or entities.
- Authorize the Secretary to make grants to the City of Bainbridge Island and other non-federal facilities to support the Memorial, and to enter into cooperative agreements with the city to assist with the operation and maintenance of the Memorial.
- Require the Secretary to coordinate the development of interpretive and educational materials and programs for the Memorial and the Minidoka Internment National Monument site in the State of Idaho with the Manzanar National Historic Site in the State of California.

Committee Action: H.R. 161 was introduced on January 4, 2007, and referred to the Committee on Natural Resources, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 161 is unavailable. The bill provides for operation and maintenance of a memorial, and also allows federal grants to the city where the memorial resides, but it is unclear how much cost would be incurred.

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.

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]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 512 — Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007 (*Bacerra, D-TX*)

Order of Business: The bill is scheduled for consideration on Tuesday, February 6, 2007, under a motion to suspend the rules and pass the bill.

Note: The House passed a similar bill, H.R. 2134, by voice vote on September 27, 2006.

Summary: H.R. 512 would establish a new commission to study the potential creation of a National Museum of the American Latino Heritage to develop a plan of action for the establishment and maintenance of this museum in Washington, D.C. The specific provisions of the bill are as follows:

- **Creates a new commission to study the creation of a National Museum of the American Latino Heritage**, and provides that the Commission must consist of 23 members (appointed within 6 months of enactment) and appointed by the President (7 members) and House and Senate majority and minority leadership;
- Requires the Commission to develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community;
- Directs the Commission to examine and report on: (1) the availability and cost of collections to be acquired and housed in the Museum; (2) the impact of the Museum on regional Hispanic- and Latino-related museums; (3) possible locations for the Museum in Washington, D.C.; (4) whether the Museum should be located within the Smithsonian Institution; (5) the governance and organizational structure from which the Museum should operate; and (6) how to engage the American Latino community in the development and design of the Museum;
- **Allows the Commission to convene a national conference on the Museum** (within 18 months after the Commission members are selected) comprised of individuals committed to the advancement of American Latino life, art, history, and culture;
- Requires the Interior Department to provide the necessary funds for the Commission's administrative services, facilities, and functions, **allows Commission members to be compensated for each day they are engaged in working for the Commission (at a daily rate determined by the Interior Secretary)**;
- **Provides that Commission members are entitled to travel expenses, including per diem for their work on the Commission**;
- Requires the Commission to submit final reports and plans regarding the creation of the Museum within two year of the Commission's first meeting, and terminates the Commission's authority 30 days after submission of the final report; and
- **Authorizes appropriations of \$2.1 million for the first year after enactment, and \$1.1 million for the second year, totaling \$3.2 million to carry out this Act.**

Possible Conservative Concerns: Outside organization, such as the National Coalition to Save Our Mall, have opposed recent additions on the National Mall, arguing that the Mall is becoming overcrowded with museums and memorials and confusing to navigate. The Native-American History Museum was recently completed and opened, and the National Museum of African-American History (P.L. 108-184) was passed in 2003 and is slated for construction.

In addition, the Mall has two upcoming construction projected have also been approved: a memorial to Dr. Martin Luther King, Jr., (to be located near the Jefferson Memorial), and a new visitor's center linked to the Vietnam Veteran's Memorial (P.L. 108-126). In addition, several

other projects are being proposed or pushed in Congress for inclusion on the National Mall, including a monument for President Eisenhower.

In 2003, Congress declared a moratorium on future construction on the National Mall, and based this on a 2001 report by the NCPC that that declared the Mall “a finished work of civic art.”

Committee Action: H.R. 512 was introduced on January 17, 2007, and referred to the House Committees on Natural Resources and House Administration, neither of which took official action.

Cost to Taxpayers: A CBO estimate for H.R. 512 is not available. However, a previous CBO estimate concluded that if the bill were enacted, “*the federal government would spend about \$3 million over the next three years to establish the commission and to develop a plan for the proposed museum*” (*emphasis added*).

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 not available. 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*]

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov; 202.226.0718.

H.R. 235 — To allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District (*Thompson, D-CA*)

Order of Business: The bill is scheduled for consideration on Tuesday, February 6, 2007, under a motion to suspend the rules and pass the bill.

An almost identical bill, H.R. 5516, passed the House during the 109th Congress by a voice vote on September 27, 2006.

Summary: H.R. 235 would allow the Redwood Valley County Water District to enter into finance agreements to fund new water improvements. Once the Secretary of the Interior and the Redwood Valley County Water District renegotiate a schedule of payments for debts owed by the Redwood District to the U.S., the schedule will commence when the Redwood District’s new obligations have been repaid. The due date of the first payment owed by the District to the United States will be the date when interest will start to accrue.

Additional Information: On May 25, 2006, Senator Diane Feinstein introduced an identical bill in the Senate, and stated the following regarding the purpose of the bill:

This legislation seeks to implement prior congressional action taken in 1988 to require the Secretary of the Interior to renegotiate debts owed by the Redwood Valley County Water District to the United States. It is an absolutely essential step if the Redwood County is to obtain a firm and reliable water supply.

In 1983, the Redwood Valley County Water District completed a project to supply water to a rural agricultural community near Ukiah, in Northern California. Two Bureau of Reclamation loans totaling \$7.3 million partially financed this project.

Unfortunately, the District was unable to repay these loans. This occurred for several reasons: The initial use projections developed by the District and reviewed by the Bureau were seriously flawed; the District's ability to raise funds was restricted when a moratorium on new hook-ups was imposed; and concerns for endangered species reduced the District's water allotment by 15 percent.

As a result of this situation, in 1998 Congress passed Section 15 of Public Law 100-516 that indefinitely suspended the District's obligations to repay these Bureau loans and ordered the Secretary of Interior to renegotiate the terms of the loans. This loan renegotiation has never taken place and now the District finds its water supply highly uncertain. The Bureau of Reclamation acknowledged in a 2000 report that the District needs a reliable water supply in order to solve its current financial dilemma.

The District has recently identified two potential new projects, either of which could supply a firm and reliable source. No government funds will be sought for these projects, and the District will rely on private financing, a strategy that the Bureau is encouraging. However, before the District can secure private financing for new projects, it must renegotiate the existing loans to provide for their repayment subsequent to repayment of the new loans.

This legislation requires the District to repay the United States the currently suspended loans once the new loans have been repaid. The new water project will provide enough revenue to allow the District to repay both its private loan and the United States government. By providing a workable and reasonable solution to a longstanding problem, the legislation creates a win-win solution for the Bureau of Reclamation and the Redwood Valley County Water District.

Committee Action: H.R. 235 was introduced on January 4, 2007, and referred to the Committee on Natural Resources, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 235 is unavailable. Resources Committee staff state that the stream of revenue from the Redwood District may be slowed or delayed, but the bill would not result in a loss of revenue to the district. Additionally, they state that the Bureau of Reclamation staff has asserted this bill would not result in a significant budget impact.

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.

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]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 356 — To remove certain restrictions on the Mammoth Community Water District’s ability to use certain property acquired by that District from the United States (McKeon, R-CA)

Order of Business: The bill is scheduled for consideration on Tuesday, February 6, 2007, under a motion to suspend the rules and pass the bill.

An almost identical bill, H.R. 853, passed the House during the 109th Congress by a voice vote on December 13, 2005.

Summary: H.R. 356 would allow the Mammoth Community Water District to be used for other public purposes beyond treating wastewater and office storage.

Additional Background: According to the Committee Report (House Report 109-109, for H.R. 853), the federal government conveyed 25 acres from the U.S Forest Service to the Mammoth Community Water District in 1987, so long as the land was used for the same purposes for which they were being used *prior* to the time of conveyance. As a result, roughly 13 acres of this land continues to be used for storage, but is no longer needed for that purpose. The District may not change its use without congressional authorization.

Committee Action: H.R. 356 was introduced on January 9, 2007, and referred to the Committee on Natural Resources, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 356 is unavailable. However, CBO stated that the identical bill from last Congress (H.R. 853) would have no impact on the federal government.

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.

The Committee finds authority in Article I, Section 8 of the United States Constitution. 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.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

**H.R. 386 — Yakima-Tieton Irrigation District Conveyance Act of 2007
(Hastings, R-WA)**

Order of Business: The bill is scheduled for consideration on Tuesday, February 6, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1564 would direct the Secretary of the Interior to convey to the Yakima-Tieton Irrigation District (Yakima County, WA) all U.S. right, title, and interest in and to the buildings and lands of the Yakima Project, WA. This conveyance would remove the Project's eligibility for federal funds as a reclamation project and the U.S. Government's liability for anything related to the Project.

The legislation effectively states that Congress expects such conveyance to occur within one year of this bill's enactment.

Committee Action: The bill was introduced on January 10, 2007, and referred to the House Committee on Natural Resources, which took no official action.

Cost to Taxpayers: There is no CBO estimate available for this bill. However, in 2005, CBO estimated that a similar piece of legislation would have no significant 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: No committee report citing constitutional authority is available. 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*].

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov; 202.226.0718

**H.R. 482 — American River Pump Station Project Transfer Act of 2007
(Doolittle, R-CA)**

Order of Business: The bill is scheduled for consideration on Tuesday, February 6, 2007, under a motion to suspend the rules and pass the bill.

Note: The House passed a similar bill, H.R. 4204, by voice vote on May 9, 2006.

Summary: H.R. 482 would authorize the transfer of the ownership of the American River Pump Station Project, located at Auburn, California, which includes a pumping plant, to the Placer County Water Agency, in accordance with the terms of an agreement made between the U.S. and the Water Agency. The bill provides that federal costs associated with the construction of the American River Pump Station Project are not reimbursable.

Additional Information: A committee report is not available for H.R. 482. However, the following additional information was included the RSC Legislative Bulletin for H.R. 4204, which the House considered and passed in the 109th Congress.

In order to build the Auburn Dam on the American River north of Sacramento, California, the federal government purchased the land containing the Placer County Water Authority's pumping station, and demolished the station. Construction of the dam was halted 30 years ago due to an earthquake and Congress has no plans to complete the dam.

Since 1990, the Bureau of Reclamation has been required to spend between \$225,000 and \$450,000 a year to install, uninstall, and re-install seasonal water pumps to help the county water authority meet its water needs. However, according to the Bureau, the pumps are unreliable and inadequate for that purpose, and expensive. Because the American River's water level rises during the winter, the pumps must be removed and re-installed when the water levels return to their spring levels.

By contract, the federal government is required to build Placer County another pumping station. Congressional approval is needed for the transfer of land and pumping station back to Placer County. The cost of the pumping station is to be borne by the Bureau of Reclamation, with some funds coming from Placer County and the State of California. The funds for the construction of the pumping station are assumed to come from the Bureau of Reclamation's budget, because the bill authorizes no new expenditure.

Committee Action: H.R. 482 was introduced on January 16, 2007, and referred to the House Committee on Natural Resources, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 482 is not available. However, in a previous score, CBO estimated that the bill would have no significant impact on the federal budget and that the Bureau of Reclamation would save between \$225,000 and \$450,000 in annual maintenance costs for the seasonal water pumps.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill reduces federal land holdings in the State of California.

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

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

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*].

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov; 202.226.0718.

###