

AMENDING PUBLIC LAW 99-338 TO AUTHORIZE THE CONTINUED USE OF
CERTAIN LANDS WITHIN THE SEQUOIA NATIONAL PARK BY PORTIONS
OF AN EXISTING HYDROELECTRIC PROJECT

JUNE 4, 2004.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3932]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3932) to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION TO REISSUE PERMIT.

The first section of Public Law 99-338 is amended by striking “one renewal” and inserting “3 renewals”.

SEC. 2. TERMS AND CONDITIONS.

Section 3 of Public Law 99-338 is amended to read as follows:

“SEC. 3. The permit shall contain the following provisions:

“(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

“(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

“(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

“(4) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.”.

Amend the title so as to read:

A bill to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 3932 is to amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On December 21, 1943, Congress expanded the boundaries of the Sequoia National Park, and in doing so acquired lands that included portions of the Kaweah Hydroelectric Project operated by Southern California Edison Company. The Company has been operating the project on site since it went online on May 29, 1913. From 1943 through 1986, Congress authorized the Secretary of the Interior to extend the company's permit to operate the project in the Park. In 1986, Congress again reauthorized the Secretary of the Interior to issue a permit for the operation, plus authorized a renewal for ten more years, through 1996. The Company did renew its permit, which expires in 2006.

To bring more certainty to the renewal process, H.R. 3932 would authorize the Secretary of the Interior to reauthorize the permit to operate as well as authorize the issuance of two additional 10-year renewals, which would allow the Company to operate the project through 2026.

COMMITTEE ACTION

H.R. 3932 was introduced on March 10, 2004, by Congressman Devin Nunes (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On March 29, 2004, the Subcommittee held a hearing on the bill. On May 5, 2004, the Full Resources Committee met to consider the bill. Congressman Nunes offered an amendment in the nature of a substitute that (1) prohibits the expansion of the Kaweah Project in the Park; (2) requires an independent safety assessment of the Project and any deficiencies identified and corrected; and (3) requires the Secretary of Interior to update the July 1983 report on the impact of the Project on the Park. It was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3932, a bill to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa Cash Driskill.

Sincerely,

ELIZABETH ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3932—A bill to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, and for other purposes.

H.R. 3932 would authorize the Secretary of the Interior to renew a permit that allows portions of a hydroelectric project to operate within the Sequoia National Park in California. The current permit expires in 2006 and could be extended for two additional 10-year terms under the bill. The permit renewals would be subject to certain conditions, such as studies of the safety of the project and the impact of the facility on Sequoia National Park. Based on information from the Department of the Interior, we expect the studies would be paid for by the owner of the hydroelectric project. Thus,

CBO estimates that H.R. 3932 would have no significant impact on the federal budget.

H.R. 3392 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Lisa Cash Driskill. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JOINT RESOLUTION OF JUNE 19, 1986

(Public Law 99-338)

Joint Resolution To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

* * * * *

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to issue a permit for ten years, and may issue not more than **one renewal** *3 renewals* of equivalent duration, for portions of an existing hydroelectric project, known as the Kaweah Project of Southern California Edison Company, to continue to occupy and use lands of the United States within Sequoia National Park as necessary for continued operation and maintenance.

* * * * *

SEC. 3. The permit shall contain a provision prohibiting expansion of the Kaweah Project in Sequoia National Park and shall also contain such other terms and conditions as the Secretary of the Interior shall deem necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.

SEC. 3. The permit shall contain the following provisions:

(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the

operations of the Kaweah No. 3 facility on Sequoia National Park.

(4) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.

