

TO REDESIGNATE THE RIO GRANDE AMERICAN CANAL
IN EL PASO, TEXAS, AS THE “TRAVIS C. JOHNSON
CANAL”

JULY 31, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 6041]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6041) to redesignate the Rio Grande American Canal in El Paso, Texas, as the “Travis C. Johnson Canal”, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 6041 is to redesignate the Rio Grande American Canal in El Paso, Texas, as the “Travis C. Johnson Canal.”

BACKGROUND AND NEED FOR LEGISLATION

Part of the larger Rio Grande Project, the American Diversion Dam is located two miles northwest of El Paso and immediately above the point where the Rio Grande River becomes the international boundary line. The American Diversion Dam diverts irrigation water from the Rio Grande River to El Paso Valley. It is operated by the American Section of the International Boundary and Water Commission to regulate delivery of water to Mexico in accordance with treaty provisions. The American Canal is connected

with the American Diversion Dam and carries water 2.1 miles from the dam to the head of Franklin Canal.

The construction of the American Canal led to the resolution of a longstanding dispute between the United States and Mexico over water rights under the Treaty of 1906. At issue was the pumping of water by Mexican citizens from the Rio Grande in a location considered to be exclusive property of the United States. As an attorney representing agricultural interests along the Rio Grande, Mr. Travis C. Johnson was instrumental in drafting the authorizing legislation for the American Canal and working towards the enactment of the legislation. H.R. 6041 would name the portion the Rio Grande Canal in El Paso, Texas after Mr. Johnson.

COMMITTEE ACTION

H.R. 6041 was introduced on May 13, 2008 by Representative Silvestre Reyes (D-TX). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power.

Identical legislation was introduced in the 108th and 109th Congresses and was the subject of a Water and Power Subcommittee hearing in the 109th Congress on December 7, 2005. At the time of the hearing, support for the legislation included the President of the El Paso County Water Improvement District, the President's Committee on the Arts and Humanities, the Texas Commission on Environmental Quality, and the Chairman and President of Wells Fargo.

On June 25, 2008, the Subcommittee was discharged from further consideration of H.R. 6041 and the Full Natural Resources Committee met to consider the bill. H.R. 6041 was ordered favorably reported to the House of Representatives by voice vote.

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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 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. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to redesignate the Rio Grande American Canal in El Paso, Texas, as the “Travis C. Johnson Canal.”

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:

H.R. 6041—A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the “Travis C. Johnson Canal”

H.R. 6041 would rename the Rio Grande American Canal in Texas. CBO estimates that implementing the bill would have no significant effect on discretionary spending because revising federal maps and signs to reflect the new name would be done in conjunction with scheduled reprinting and other routine maintenance. Enacting the bill would have no effect on direct spending or revenues.

The bill 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 Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 6041 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

We oppose H.R. 6041, which re-designates the Rio Grande American Canal near El Paso, Texas as the Travis C. Johnson Canal. In testimony before the House Water and Power Subcommittee in the last Congress, Mr. Johnson was described as the “principal author” of legislation authorizing the Rio Grande American Canal. However, it was also acknowledged at this hearing that it would be a precedent setting move to name a canal or other facility for a non-Member of Congress who is still living. Although it is clear that Mr. Johnson may have the qualifications to have the canal named for him, this Committee has a long history of only naming such facilities for non-Members of Congress posthumously.

This bill is premature not only for that reason, but also because it circumvented regular order. At the start of this Congress, the Majority indicated that all bills would proceed by regular order. The Committee’s consideration of this bill ignores this pledge. Even though this bill has been introduced in the last three Congresses, the Majority seems to be in an extraordinary rush to avoid regular order for some unknown reason.

We also would like to note that since H.R. 6041’s introduction, eight members have withdrawn their cosponsorship. This signals that something may not be right with this bill and further scrutiny may be warranted.

JEFF FLAKE.
BILL SALI.

