AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

108TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
108–259

AMENDING 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

SEPTEMBER 4, 2003.—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. 2040]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (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, 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. 2040 is 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.

BACKGROUND AND NEED FOR LEGISLATION

Glendo Dam, part of the integrated Glendo Unit on the Platte River, was authorized in 1944 as part of the Pick-Sloan Missouri Basin Program. Construction was completed in 1958. The multipurpose Glendo Dam provides water for irrigation, hydropower generation, flood control and recreation. Under the North Platte Supreme Court decree, up to 25,000 acre-feet water are available to Nebraska irrigation districts and 15,000 acre-feet to Wyoming irrigation districts.

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. However, a number of factors—including continuing research on current milestones and the creation of tasks for new milestones—have led to a three-year extension of the agreement, which expired on June 30, 2003. 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. This uncertainty has led Congress to extend the current Glendo contracts in 1998 (Public Law 105–293) and 2000 (Public Law 106–377). H.R. 2040 would continue these Congressional actions by extending current Glendo contracts through December 31, 2005, when agreement parties believe habitat recovery plans will be completed. The contract extension in this bill will give Glendo irrigators time to renegotiate current contracts once the agreement is completed.

COMMITTEE ACTION

H.R. 2040 was introduced by Congressman Tom Osborne (R–NE) on May 8, 2003. The bill was referred to the Committee on Resources, and within the Committee the Subcommittee on Water and Power. On June 24, 2003, the Subcommittee held a hearing on the bill. On July 9, 2003, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION

Section 1. Extension of Certain Irrigation Project Contracts

This section provides for the extension of certain contracts (eight water service contracts and one repayment contract) through December 31, 2005, between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

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 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, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would result in a loss of offsetting receipts (less than $500,000) but it would match a reduction in spending. Therefore, enactment of H.R. 2040 "would have no significant impact on the federal budget."

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, August 29, 2003.

Hon. RICHARD 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. 2040, a bill 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.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for federal costs is Julie Middleton. The contact for the impact on state and local governments is Marjorie Miller.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 2040—A bill 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

H.R. 2040 would extend—for up to two years—contracts between the Bureau of Reclamation and purchasers of irrigation water in Wyoming and Nebraska that receive water from the Glendo Reservoir. The existing contracts will expire on December 31, 2003; however, the Secretary of the Interior has the authority under current law to renew these contracts on an annual basis. Such annual renewals require the Secretary to prepare an environmental impact statement and carry out mitigation efforts. Under H.R. 2040, the bureau would avoid the costs associated with annual renewals.

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. Those costs are subject to the availability of appropriated funds, but the agency is reimbursed by individuals contracting for water and the reimbursements are deposited in the Treasury as offsetting receipts (a form of direct spending). The potential loss of offsetting receipts would match the potential reduction in spending subject to appropriation, and we estimate that both would be insignificant.

H.R. 2040 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. Enacting this bill would benefit the contractors affected by this bill, which are generally governmental entities, because it would allow them to avoid the costs of annual renewals.

The CBO staff contact for federal costs is Julie Middleton. The contact for the impact on state and local governments is Marjorie Miller. 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):

SECTION 2 OF THE IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998

SEC. 2. EXTENSION OF CONTRACTS.

(a) IN GENERAL.—The Secretary of the Interior shall extend each of the water service or repayment contracts for the Glendo Unit of

the Missouri River Basin Project identified in subsection (c) until [December 31, 2003] *December 31, 2005*.

(b) EXTENSIONS COTERMINOUS WITH COOPERATIVE AGREEMENT.—If the cooperative agreement entitled "Cooperative Agreement for Platte River Research and other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska", entered into by the Governors of the States of Wyoming, Nebraska, and Colorado and the Secretary of the Interior, is extended for a term beyond December 31, 2000, the contracts identified in subsection (c) shall be extended for the same term, but not to go [beyond December 31, 2003] *beyond December 31, 2005*. If the cooperative agreement terminates [prior to December 31, 2003] *before December 31, 2005*, the contracts identified in subsection (c) shall be subject to renewal on the date that the cooperative agreement terminates.

* * * * * * *

○