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107TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 107–580

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2001

JULY 16, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2990]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2990) to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001".

SEC. 2. AUTHORIZATION OF ADDITIONAL PROJECTS UNDER THE LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000.

Section 4(a) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended by adding at the end the following:

"(5) In the United Irrigation District of Hidalgo County, Texas, a pipeline and pumping system as identified in the Sigler, Winston, Greenwood, Associates, Incorporated, study dated January 2001.

"(6) In the Cameron County, Texas, Irrigation District No. 2, proposed improvements to Canal C, as identified in the February 8, 2001, engineering report by Martin, Brown, and Perez.

"(7) In the Cameron County, Texas, Irrigation District No. 2, a proposed Canal C and Canal 13 Inner Connect, as identified in the February 12, 2001, engineering report by Martin, Brown, and Perez.

"(8) In Delta Lake Irrigation District of Hidalgo and Willacy Counties, Texas, proposed water conservation projects, as identified by the AW Blair Engineering report of February 13, 2001.

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"(9) In the Hidalgo and Cameron County, Texas, Irrigation District No. 9, a proposed project to salvage spill water using automatic control of canal gates as identified in the AW Blair Engineering report dated February 14, 2001.

"(10) In the Brownsville Irrigation District of Cameron County, Texas, a proposed main canal replacement as outlined in the Holdar-Garcia & Associates engineering report dated February 14, 2001.

"(11) In the Hidalgo County, Texas, Irrigation District No. 16, a proposed off-district pump station project as identified by the Melden & Hunt, Incorporated, engineering report dated February 14, 2001.

"(12) In the Hidalgo County, Texas, Irrigation District No. 1, a proposed canal replacement of the North Branch East Main, as outlined in the Melden & Hunt, Incorporated, engineering analysis dated February, 2001.

"(13) In the Donna (Texas) Irrigation District, a proposed improvement project as identified by the Melden & Hunt, Incorporated, engineering analysis dated February 13, 2001.

"(14) In the Hudspeth County, Texas, Conservation and Reclamation District No. 1, the Alamo Arroyo Pumping Plant water quality project as identified by the engineering report and drawings by Gebhard-Sarma and Associates dated July 1996 and the construction of a 1,000 acre-foot off-channel regulating reservoir for the capture and conservation of irrigation water, as identified in the engineering report by AW Blair Engineering dated June 2002.

"(15) In the El Paso County, Texas, Water Improvement District No. 1, the Riverside Canal Improvement Project Phase I Reach A, a canal lining and water conservation project as identified by the engineering report by AW Blair Engineering dated June 2002.

"(16) In the Maverick County, Texas, Water Improvement and Control District No. 1, the concrete lining project of 12 miles of the Maverick Main Canal, identified in the engineering report by AW Blair Engineering dated June 2002.

"(17) In the Hidalgo County, Texas, Irrigation District No. 6, rehabilitation of 10.2 miles of concrete lining in the main canal between Lift Stations Nos. 2 and 3 as identified in the engineering report by AW Blair Engineering dated June 2002.

"(18) In the Hidalgo County, Texas, Irrigation District No. 2, Wisconsin Canal Improvements as identified in the Sigler, Winston, Greenwood & Associates, Incorporated, engineering report dated February 2001.

"(19) In the Hidalgo County, Texas, Irrigation District No. 2, Lateral 'A' Canal Improvements as identified in the Sigler, Winston, Greenwood & Associates, Incorporated, engineering report dated July 25, 2001.".

SEC. 3. AMENDMENTS TO THE LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000.

The Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3065 et seq.) is further amended as follows:

(1) Section 3(a) is amended in the first sentence by striking "The Secretary" and all that follows through "in cooperation" and inserting "The Secretary, acting through the Bureau of Reclamation, shall undertake a program under cooperative agreements".

(2) Section 3(b) is amended to read as follows:

"(b) PROJECT REVIEW.—Project proposals shall be reviewed and evaluated under the guidelines set forth in the document published by the Bureau of Reclamation entitled 'Guidelines for Preparing and Reviewing Proposals for Water Conservation and Improvement Projects Under P.L. 106–576', dated June 2001.".

(3) Section 3(d) is amended by inserting before the period at the end the following: ", including operation, maintenance, repair, and replacement".

(4) Section 3(e) is amended by striking "the criteria established pursuant to this section" and inserting "the guidelines referred to in subsection (b)".

(5) Subsection (f) of section 3 is amended by striking "to prepare" and all that follows through the end of the subsection and inserting "to have the Secretary prepare the reports required under this section. The Federal share of the cost of such preparation by the Secretary shall not exceed 50 percent of the total cost of such preparation.".

(6) Section 3(g) is amended by striking "$2,000,000" and inserting "$8,000,000".

(7) Section 4(b) is amended—

(A) in the first sentence by striking "costs of any construction" and inserting "total project cost of any project"; and

(B) in the last sentence by inserting "the actual" before "funds".

(8) Section 4(c) is amended by striking "$10,000,000" and inserting "$47,000,000 (2001 dollars)".

PURPOSE OF THE BILL

The purpose of H.R. 2990 is to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under the Act.

BACKGROUND AND NEED FOR LEGISLATION

The Rio Grande has been severely impacted by drought conditions during the last decade. There are more than seven million people residing on both sides of the Rio Grande in the Lower Valley, with approximately one million of those living in the United States. Twenty-nine water districts are located in the United States below the International Falcon-Amistad Reservoir System, which supplies nearly 95% of their water needs. The Lower Valley is one of the fastest growing areas with projected populations more than doubling by the year 2050. Implementation of significant improvements to irrigation canal delivery systems, aggressive water conservation programs, and improved water management are critical needs which must be addressed in the next few years.

On December 28, 2000, the President signed into law the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576). The legislation authorized the Bureau of Reclamation to develop a program to investigate and identify opportunities to improve the water supply for selected counties along the Texas-Mexico border, and to provided funding authorization for engineering work, infrastructure construction and improvements for several projects.

H.R. 2990 amends Public Law 106–576 by adding 14 new water conservation projects, modifying some of the criteria for water supply studies, increasing the authorization for carrying out the studies from $2 million to $8 million, and increasing the authorization for construction of facilities from $10 million to $47 million.

COMMITTEE ACTION

H.R. 2990 was introduced on October 2, 2001, by Congressman Ruben Hinojosa (D–TX). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. The Subcommittee held a hearing on the bill on May 3, 2002. On June 26, 2002, the Full Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. Mr. Calvert offered a technical amendment which makes several changes to correct dates of studies. The amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was 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 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 amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under the Act.

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, July 15, 2002.

Hon. JAMES V. HANSEN,
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. 2990, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2990—Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001

Summary: H.R. 2990 would amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to add 14 new water conservation projects to those eligible for federal assistance under that act. The bill also would increase the funds authorized for studies of these projects—from $2 million to $8 million—and for construction of projects in the Lower Rio Grande Val-

ley—from $10 million to $47 million. Hence, the bill would increase the existing authorization of appropriations by a total of $43 million.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2990 would cost $38 million over the 2003–2007 period and an additional $5 million after that period. H.R. 2990 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2990 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the state of Texas and local governments in that state that would receive the authorized federal assistance. Any costs incurred by those governments to meet the conditions of the assistance would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2990 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	6	10	10	10	7
Estimated outlays	3	7	9	10	9

Basis of estimate: For this estimate, CBO assumes that H.R. 2990 will be enacted by the start of fiscal year 2003. The bill would increase the current amount authorized to be appropriated for the Lower Rio Grande Water Conservation and Improvement Program from $12 million to $55 million. To date, no funds have been appropriated to implement the program. Appropriated funds would pay for the construction of pending authorized projects as well as the planning, design and construction of the new projects included in H.R. 2990.

Based on information from the Bureau of Reclamation and the Harlington Irrigation District in Texas, CBO estimates that implementing H.R. 2990 would cost $38 million over the 2003–2007 period and an additional $5 million after that period, assuming appropriation of the authorized amounts.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 2990 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the state of Texas and local governments in that state that would receive the authorized federal assistance. Any costs incurred by these governments to meet the conditions of the assistance would be voluntary.

Estimate prepared by: Federal costs: Julie Middleton; impact on state, local, and tribal governments: Marjorie Miller; impact on the private sector: Cecil McPherson.

Estimate 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):

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000

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SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—[The Secretary, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto, shall undertake a program in cooperation] *The Secretary, acting through the Bureau of Reclamation, shall undertake a program under cooperative agreements* with the State, water users in the program area, and other non-Federal entities, to investigate and identify opportunities to improve the supply of water for the program area as provided in this Act. The program shall include the review of studies or planning reports (or both) prepared by any competent engineering entity for projects designed to conserve and transport raw water in the program area. As part of the program, the Secretary shall evaluate alternatives in the program area that could be used to improve water supplies, including the following:

(1) * * *

* * * * * * *

[(b) PROGRAM DEVELOPMENT.—Within 6 months after the date of the enactment of this Act, the Secretary, in consultation with the State, shall develop and publish criteria to determine which projects would qualify and have the highest priority for financing under this Act. Such criteria shall address, at a minimum—

[(1) how the project relates to the near- and long-term water demands and supplies in the study area, including how the project would affect the need for development of new or expanded water supplies;

[(2) the relative amount of water (acre feet) to be conserved pursuant to the project;

[(3) whether the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project; and

[(4) if the project proponents have met the requirements specified in subsection (c).]

(b) PROJECT REVIEW.—Project proposals shall be reviewed and evaluated under the guidelines set forth in the document published by the Bureau of Reclamation entitled "Guidelines for Preparing and Reviewing Proposals for Water Conservation and Improvement Projects Under P.L. 106–576", dated June 2001.

* * * * * * *

(d) FINANCIAL CAPABILITY.—Before providing funding for a project to the non-Federal project sponsor, the Secretary shall determine that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs*, including operation, maintenance, repair, and replacement*.

(e) REVIEW PERIOD.—Within 1 year after the date a project is submitted to the Secretary for approval, the Secretary, subject to the availability of appropriations, shall determine whether the project meets ❚the criteria established pursuant to this section❚ *the guidelines referred to in subsection (b)*.

(f) REPORT PREPARATION; REIMBURSEMENT.—Project sponsors may choose to contract with the Secretary ❚to prepare the reports required under this section. All costs associated with the preparation of the reports by the Secretary shall be 50 percent reimbursable by the non-Federal sponsor.❚ *to have the Secretary prepare the reports required under this section. The Federal share of the cost of such preparation by the Secretary shall not exceed 50 percent of the total cost of such preparation.*

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section ❚$2,000,000❚ *$8,000,000*.

SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

(1) * * *

* * * * * * *

(5) In the United Irrigation District of Hidalgo County, Texas, a pipeline and pumping system as identified in the Sigler, Winston, Greenwood, Associates, Incorporated, study dated January 2001.

(6) In the Cameron County, Texas, Irrigation District No. 2, proposed improvements to Canal C, as identified in the February 8, 2001, engineering report by Martin, Brown, and Perez.

(7) In the Cameron County, Texas, Irrigation District No. 2, a proposed Canal C and Canal 13 Inner Connect, as identified in the February 12, 2001, engineering report by Martin, Brown, and Perez.

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(12) In the Hidalgo County, Texas, Irrigation District No. 1, a proposed canal replacement of the North Branch East Main, as outlined in the Melden & Hunt, Incorporated, engineering analysis dated February, 2001.

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(14) In the Hudspeth County, Texas, Conservation and Reclamation District No. 1, the Alamo Arroyo Pumping Plant water quality project as identified by the engineering report and drawings by Gebhard-Sarma and Associates dated July 1996 and the construction of a 1,000 acre-foot off-channel regulating reservoir for the capture and conservation of irrigation water, as identified in the engineering report by AW Blair Engineering dated June 2002.

(15) In the El Paso County, Texas, Water Improvement District No. 1, the Riverside Canal Improvement Project Phase I Reach A, a canal lining and water conservation project as identified by the engineering report by AW Blair Engineering dated June 2002.

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(18) In the Hidalgo County, Texas, Irrigation District No. 2, Wisconsin Canal Improvements as identified in the Sigler, Winston, Greenwood & Associates, Incorporated, engineering report dated February 2001.

(19) In the Hidalgo County, Texas, Irrigation District No. 2, Lateral "A" Canal Improvements as identified in the Sigler, Winston, Greenwood & Associates, Incorporated, engineering report dated July 25, 2001.

(b) CONSTRUCTION COST SHARE.—The non-Federal share of the [costs of any construction] *total project cost of any project* carried out under, or with assistance provided under, this section shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State. The remainder of the non-Federal share may include in-kind contributions of goods and services, and *the actual* funds previously spent on feasibility and engineering studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section **[**$10,000,000**]** *$47,000,000 (2001 dollars)*.

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