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108TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 108–759

WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION ACT OF 2004

OCTOBER 7, 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. 4650]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4650) to amend the Act entitled "An Act to provide for the construction of the Cheney division, Witchita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project, 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. 4650 is to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

BACKGROUND AND NEED FOR LEGISLATION

The Equus Beds Aquifer is the body of water beneath portions of Sedgwick, Harvey, McPherson and Reno Counties within the boundaries of Groundwater Management District No. 2 in Kansas. Annual withdrawals from the aquifer average 157,000 acre-feet of water. Fifty-five percent of this annual withdrawal is used for irrigation, 39% for municipal needs, and 6% for industry.

The Equus Beds Aquifer has supplied water to the City of Wichita since the 1940s, but has experienced significant groundwater declines since 1950 in the area of Wichita's well field. As a result, the City is developing innovative ways to meet its future water

supply needs. The City's Water Supply Plan combines the use of a number of local water resources to meet the City's water needs through the year 2050. The Equus Beds Aquifer Recharge and Recovery Project is a key component of the Plan.

The source of the water used for the Project will be the Little Arkansas River. Since all of the normal water rights from the Little Arkansas River have already been given to other water users, excess flow rights are the only water available. The City has completed a Draft Environmental Impact Statement on the Project and the larger Plan that did not find any long-term negative impacts on the River. The total Project cost is estimated at $110 million. Under H.R. 4650, the Bureau of Reclamation would provide funding for 25 percent of the Project's cost with no funding for operation and maintenance. The federal government would not hold title to the facilities.

COMMITTEE ACTION

Congressman Todd Tiahrt (R-KS) introduced H.R. 4650 on June 22, 2004. The bill was referred to the Subcommittee on Water and Power within the Committee on Resources. A hearing was held on the bill on July 8, 2004. On September 22, 2004, 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 then 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 Act entitled "An Act to provide for

the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

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, October 6, 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. 4650, the Wichita Project Equus Beds Division Authorization Act of 2004.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN, *Director.*

Enclosure.

H.R. 4650—Wichita Project Equus Beds Division Authorization Act of 2004

Summary: H.R. 4650 would authorize the Secretary of the Interior to participate in the funding and implementation of the Equus Beds Aquifer Recharge project in Wichita, Kansas. This aquifer is a primary source of water for the city of Wichita, along with the Cheney Reservoir. The federal share of the cost of this project could not exceed 25 percent of total costs, or a maximum of $30 million.

Assuming appropriation of the necessary funds, CBO estimates that implementing this bill would cost $14 million over the 2005–2009 period, including adjustments for anticipated inflation. Enacting this bill would not affect direct spending or revenues.

H.R. 4650 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. The federal funds authorized by this bill would benefit the city of Wichita. Any expenditures made by the city to provide the required matching funds would be made voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4650 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in million of dollars—				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	3	3	3	3	3
Estimated outlays	2	3	3	3	3

Basis of estimate: For this estimate, CBO assumes that H.R. 4650 will be enacted near the start of fiscal year 2005 and that the

authorized amount will be appropriated in equal amounts over the 2005–2014 period. Currently, the estimate of the project's total cost is $117 million. For this estimate, CBO assumes that the federal share of the project's cost would be the authorized maximum of $30 million. Based on historical spending patterns of similar projects, CBO estimates that implementing this bill would cost $14 million over the 2005–2009 period, including adjustments for anticipated inflation.

Intergovernmental and private-sector impact: H.R. 4650 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The federal funds authorized by this bill would benefit the city of Wichita. Any expenditures made by the city to provide the required matching funds would be made voluntarily.

Estimate prepared by: Federal Costs: Julie Middleton; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Amina Masood.

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 (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 14, 1960

(PUBLIC LAW 86–787)

AN ACT To provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes.

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SEC. 10. EQUUS BEDS DIVISION.

(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the "Integrated Local Water Supply Plan, Wichita, Kansas" (referred to in this section as the "Equus Beds Division"). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations.

(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to not exceed 25 percent of the total cost or $30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

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