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SENATE

{ REPORT
{ 108-289

AMENDING THE RECLAMATION PROJECT AUTHORIZATION ACT OF 1972 TO
CLARIFY THE ACREAGE FOR WHICH THE NORTH LOUP DIVISION IS AU-
THORIZED TO PROVIDE IRRIGATION WATER UNDER THE MISSOURI
RIVER BASIN PROJECT

JUNE 25, 2004.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 3209]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3209) to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 3209 is to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup Division is authorized to provide irrigation water under the Missouri River Basin project.

BACKGROUND AND NEED

The North Loup division is operated by the Twin Loups Reclamation District and the Twin Loups Irrigation District. Pursuant to the authorizing legislation, the North Loup Division is to provide irrigation water for 53,000 acres of land. However, the Administration has testified that there is no practical method of final project development that results in exactly 53,000 acres. According to the proponents of the legislation, conflicting Federal and State statutes for reporting irrigable service areas, conversion of irrigated ground to right-of-ways, and conservation programs and habitat easements make it impractical to cite an exact irrigated acreage. Moreover, future road construction and other development will necessitate fur-

ther adjustments. This bill allows for more flexibility in determining the amount of irrigated acreage.

LEGISLATIVE HISTORY

H.R. 3209 was introduced by Representative Osborne (R-NE) on September 30, 2003, and referred to the House Committee on Resources. The Resources Committee discharged the bill on November 17, 2003, and the House passed it under suspension on the same day. On November 18, 2003, H.R. 3209 was received in the Senate and referred to the Committee on Energy and Natural Resources. S. 2304, the companion measure to this bill, was introduced by Senator Hagel on April 8, 2004, and referred to the Committee on Energy and Natural Resources. A hearing on both H.R. 3209 and S. 2304 was conducted by the Water and Power Subcommittee on May 19, 2004. The Energy and Natural Resources Committee, on June 16, 2004, by a unanimous vote of a quorum present, favorably reported H.R. 3209.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on June 16, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 3209.

SECTION-BY-SECTION ANALYSIS

Section 1 modifies the purposes of the North Loup Division of the Pick-Sloan Missouri River Basin project to state that the North Loup Division is to provide irrigation water for “approximately” 53,000 acres of land. The insertion of the word “approximately” is to provide some flexibility in the amount of acres that may be irrigated. However, the Committee expects that any deviation from 53,000 acres will be in keeping with the meaning of the term “approximately,” which according to Black’s Law Dictionary means “more or less, but about and near the amount, quantity, or distance specified[;] * * * very nearly, but not absolutely.”

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 18, 2004.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3209, an act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

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

Sincerely,

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

Enclosure.

H.R. 3209—An act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project

H.R. 3209 would amend current law to authorize the North Loup division of the Missouri River Basin project to provide irrigation water to “approximately 53,000” acres instead of 53,000 acres as stated in current law. CBO estimates that implementing the act would have no effect on federal spending because implementing the act would not authorize additional spending or modify the amounts charged for irrigation water.

H.R. 3209 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.

On November 6, 2003, CBO transmitted a cost estimate for H.R. 3209 as ordered reported by the House Committee on Resources on October 29, 2003. The two versions of the legislation are identical, as are our cost estimates.

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3209. The Act is not a regulatory measure in the sense of imposing government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3209.

EXECUTIVE COMMUNICATIONS

On June 16, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior setting forth executive views on H.R. 3209. This report had not been received at the time the report on H.R. 3209 was filed. When the report becomes available, the Chairman will request that it be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Reclamation at the Subcommittee hearing follows:

STATEMENT OF JOHN W. KEYS, III, COMMISSIONER, U.S.
BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

My name is John W. Keys III. I am Commissioner of the Bureau of Reclamation. I am pleased to present the views of the Department of the Interior on S. 2304 and H.R. 3209.

S. 2304 and H.R. 3209 would amend Title V, Section 501 of Public Law 92-514 known as the Reclamation Project Authorization Act of 1972. The original Act provided for the reauthorization of the North Loup Division of the Pick-Sloan Missouri Basin Program. The North Loup Division was to provide irrigation water for 53,000 acres of land. S. 2304 and H.R. 3209 would amend that authorization to "approximately 53,000 acres".

There is no practical method of final project development that results in exactly 53,000 acres. The number of acres under irrigation is subject to change due to factors such as continuing project development and land use changes. The passage of S. 2304 and H.R. 3209 which amends the current reauthorizing language by striking "fifty-three thousand acres" and inserting "approximately 53,000 acres" would provide for authorization of minor acreage changes to allow for practical and economical project development in light of current and future circumstances.

Mr. Chairman, the Department supports S. 2304 and H.R. 3209. Again, thank you for the opportunity to appear before you today. That concludes my statement. I would be pleased to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by H.R. 3209, as ordered 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 501 OF THE RECLAMATION PROJECT
AUTHORIZATION ACT OF 1972**

Public Law 92-514; 86 Stat. 964

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**TITLE V—NORTH LOUP DIVISION, PICK-SLOAN MISSOURI
BASIN PROGRAM, NEBRASKA**

SEC. 501. The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for [fifty-three thousand acres] *approximately 53,000 acres* of land, enhancement of outdoor recre-

ation opportunities, conservation and development of fish and wild-
life resources, and for other purposes.

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