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PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2005

APRIL 25, 2006.—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

REPORT

[To accompany H.R. 3967]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3967) to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes, 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. 3967 is to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

BACKGROUND AND NEED FOR LEGISLATION

Pactola Dam, located near Rapid City, South Dakota, stores water from Rapid Creek and is part of the Pick-Sloan Missouri Basin Program. This bill authorizes reallocation of a portion of the construction costs of Pactola Dam and Reservoir from irrigation purposes to municipal and industrial (M&I) and fish and wildlife purposes.

The effort to reallocate Pactola Dam costs stems from population growth around Rapid City, with corresponding increases in demand for M&I water and decreases in demand for irrigation water. Pactola Dam originally provided water storage for flood control, irrigation, and M&I uses. A 40-year water service contract between

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the Bureau of Reclamation and Rapid City for M&I water expired in 1991. Water for Rapid City has been subsequently provided under annual contracts. A second, 40-year contract between Reclamation and the Rapid Valley Conservancy District for irrigation water expired in 2001. The District decided not to renew this contract due to decreased irrigation demand and sufficient alternative water sources. Since the District no longer needs Pactola water, repayment of construction costs originally allocated to irrigation can be re-allocated to M&I (for use in Rapid City) and fish and wildlife purposes. Under law, Congress must authorize this reallocation.

COMMITTEE ACTION

H.R. 3967 was introduced on October 3, 2005, by Congresswoman Stephanie Herseth (D–SD). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On November 9, 2005, the Subcommittee held a hearing on the bill. On March 29, 2006, 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. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites the short title of the bill as the "Pactola Reservoir Reallocation Authorization Act of 2005".

Section 2. Findings

This section lists the Congressional findings for the legislation.

Section 3. Reallocation of costs of Pactola Dam and Reservoir, South Dakota

This section authorizes the Secretary of the Interior to reallocate the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

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. According to the Congressional Budget Office, enactment of this bill would result in a small increase in offsetting receipts to the federal government.

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:

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H.R. 3967 would authorize the Bureau of Reclamation to reallocate the recovery of construction costs for Pactola Dam and Reservoir from irrigation users to municipal and industrial water users and fish and wildlife purposes. This change would allow the bureau to provide water to Rapid City, South Dakota, under a new contract that would replace expired contracts for supplemental irrigation and municipal and industrial water. CBO estimates that enacting H.R. 3967 would not have a significant effect on the federal budget.

Enacting this legislation would allow the bureau to enter into a new water service contract that would result in a small increase in receipts to the federal government, above amounts that would be received under existing interim contracts. Based on information from the bureau, CBO estimates that increase in contract payments would be about $100,000 annually. Such payments are recorded in the budget as offsetting receipts (a credit against direct spending).

H.R. 3967 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 Rapid Valley Irrigation District by reallocating the construction costs of Pactola Dam and Reservoir from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

On October 17, 2005, CBO transmitted a cost estimate for S. 819, the Pactola Reservoir Reallocation Authorization Act of 2005, as ordered reported by the Senate Committee on Energy and Natural Resources on September 28, 2005. The two pieces of legislation are identical, as are the 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.

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

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

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