

AMENDING THE RECLAMATION STATES EMERGENCY
DROUGHT RELIEF ACT OF 1991 TO EXTEND THE AU-
THORITY FOR DROUGHT ASSISTANCE

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JULY 17, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2925]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2925) to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance, 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. EXTENSION OF THE RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991.

The Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2210 et seq.) is amended—

(1) in section 104(c), by striking “September 30, 2005” and inserting “September 30, 2010”; and

(2) in section 301, by striking “fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, and 2004” and inserting “the period of fiscal years 2006 through 2010”.

PURPOSE OF THE BILL

The purpose of H.R. 2925 is to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2925 amends Title I of Public Law 102-250 to allow the Bureau of Reclamation to provide emergency assistance to western States in managing and allocating scarce water supplies during

times of drought. Title I authority expired on September 30, 2005. This bill extends the Title I expiration date until September 30, 2010, and will allow the Bureau of Reclamation to continue to assist States in addressing water supply crises when the Governor of a State or governing body of an Indian tribe requests temporary drought assistance.

Title I of the underlying law provides the Bureau of Reclamation with emergency authority for construction, management, and conservation measures to alleviate the adverse impacts of drought. It authorizes the agency to make loans to water users for mitigating damages caused by drought. It allows the Bureau to facilitate water acquisitions between willing buyers and willing sellers, acquire water for use under temporary contracts, make facilities available for storage and conveyance of project and non-project water, and acquire water for fish and wildlife purposes.

From fiscal years 2000 through 2005, an average of \$4.2 million per year was appropriated for activities under the act, with the majority of funding applied to Title I activities. Representative actions that have occurred under Title I include releasing of water for non-project purposes, helping municipalities drill new wells when their supply has dried up, assisting Indian tribes in obtaining alternate water supplies, and purchasing water for fish and wildlife purposes so that project water can still serve irrigators.

COMMITTEE ACTION

H.R. 2925 was introduced on June 15, 2005, 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. On September 27, 2005, the Subcommittee held a hearing on the bill. On June 21, 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. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute to extend the authorization of appropriations until fiscal year 2010. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Extension of the Reclamation States Emergency Drought Relief Act of 1991

This section extends the authority under section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 until September 30, 2010. As amended, this section also extends section 301, authorizations of appropriations, of the underlying Act, through fiscal year 2010.

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, clause 3 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 Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

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:

H.R. 2925—A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority of drought assistance

Summary: The Bureau of Reclamation undertakes construction, water management, and water conservation activities to alleviate damages caused by drought in certain states. The authority to provide such assistance ended on September 30, 2005. H.R. 2925 would extend that authority through September 30, 2010. Under the bill, the authorization of appropriations for this program would be limited to a total of \$90 million over the 2006–2010 period.

Assuming appropriation of amounts necessary to provide the drought assistance authorized by H.R. 2925, CBO estimates that implementing the bill would cost \$16 million over the 2007–2011 period. Enacting H.R. 2925 would not affect direct spending or revenues.

H.R. 2925 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); the bill would benefit state, local, or tribal governments and any costs would be incurred voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2925 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—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	4	4	4	4	0
Estimated Outlays	3	4	4	4	1

Basis of estimate: For this estimate, CBO assumes H.R. 2925 will be enacted near the end of fiscal year 2006 and that the necessary amounts will be appropriated for each year. Estimates of outlays are based on historical spending patterns for this activity.

The Reclamation States Energy Drought Relief Act of 1991 provided the Bureau of Reclamation the authority to mitigate damages caused by drought in certain states by undertaking construction, water management, and water conservation activities. Since that time, the Congress has provided almost \$70 million for those activities—an average of more than \$4 million per year over the past 16 years.

H.R. 2925 would extend the authority provided under the act until 2010 and would limit appropriations to a total of \$90 million over the 2006–2010 period. Because CBO cannot predict the timing or severity of droughts, CBO expects that the need to undertake drought relief over the next five years will continue at the same rate as the average need over the past 16 years—about \$4 million a year. Thus, CBO estimates that implementing H.R. 2925 would cost \$16 million over the 2007–2011 period.

Intergovernmental and private-sector impact: H.R. 2925 contains no intergovernmental or private-sector mandates as defined in UMR. The bill would benefit reclamation states and local and tribal governments within those states by extending the legislative authority that provides them drought aid. Any costs incurred by governmental entities would result from complying with conditions for receiving federal assistance.

Previous CBO estimate: On December 1, 2005, CBO transmitted a cost estimate of S. 648, a bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance, as ordered reported by the Senate Committee on Energy and Natural Resources on November 16, 2005. Both S. 648 and H.R. 2925 would authorize appropriations over the 2006–2010 period; however, CBO assumed that S. 648 would be enacted in fiscal year 2006 with appropriations beginning in that year. In addition, H.R. 2925 would cap the program's authorization of appropriations at \$90 million over the 2006–2010 period.

Estimate prepared by: Federal Costs: Leigh Angres and Julie Middleton. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Craig Cammarata.

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

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

