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109TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 109–340

UPPER COLORADO AND SAN JUAN BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS REAUTHORIZATION ACT OF 2005

DECEMBER 13, 2005.—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. 3153]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3153) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, 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. 3153 is to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

BACKGROUND AND NEED FOR LEGISLATION

The Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program were established in 1988 and 1992, respectively. These programs are partnerships between federal agencies, four states, tribes, water users, power users, and environmental groups with the goal of recovering four endangered fish species—the Colorado pikeminnow, the humpback chub, the razorback sucker, and the bonytail chub. Elements of the programs include fish hatcheries, fish screens, fish passage structures, and habitat restoration and management.

Public Law 106–392 authorized federal expenditures for these programs. Public Law 107–375 extended this original authorization until 2008. H.R. 3153 further extends the authorization until 2010

49–006

and increases the authorized cost ceilings. This is expected to enable the completion of planned construction projects critical to the recovery of the four endangered fish species.

COMMITTEE ACTION

H.R. 3153 was introduced on June 30, 2005, by Congresswoman Barbara Cubin (R–WY). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On November 3, 2005, the Subcommittee held a hearing on the bill. On November 16, 2005, 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 without amendment to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites the bill as the "Upper Colorado and San Juan Basin Endangered Fish Recovery Implementation Programs Reauthorization Act of 2005."

Section 2. Upper Colorado and San Juan River Basin Endangered Fish Recovery Implementation Programs

This section amends Public Law 106–392 by increasing the federal authorization for appropriations from $46 million to $61 million for both the Upper Colorado and San Juan River Endangered Fish Recovery Programs and extends the authorization for both programs from 2008 to 2010. The section further increases the total cost ceiling (federal and non-federal) for both programs from $100 million to $126 million and extends the authorizations for this cost ceiling from 2008 to 2010. This $26 million federal/non-federal cost ceiling increase is specifically directed at the Upper Colorado River Basin Recovery Implementation Program. This section also increases the valuation of replacement power due to changed operations from $20 million to $31 million. Such costs, considered non-federal, are the result of the fish recovery programs' impact on the operation of the Colorado River Storage Project and the capital cost of water from the Wolford Mountain Reservoir and the Elkhead Reservoir Enlargement.

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 reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

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. 3153—Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005

Summary: H.R. 3153 would extend the authorization period and increase the amounts authorized to be appropriated for the fish recovery programs in the Upper Colorado and San Juan River Basins. Under current law, $46 million is authorized to be appropriated through 2008 for the construction of capital projects in both basins. Enacting H.R. 3153 would extend the authorization for both programs through 2010 and increase the authorization of appropriations to $61 million for construction projects. CBO estimates that implementing H.R. 3153 would cost $12 million over the 2008–2010 period, assuming appropriation of the authorized amount.

H.R. 3153 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 funds authorized in the bill would benefit states participating in programs that assist with recovering fish habitats. Any cost they may incur would result from complying with conditions for receiving federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3153 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—				
	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION					
Fish Recovery Spending Under Current Law:					
Estimated Authorization Level [1]	2	4	0	0	0
Estimated Outlays	3	4	1	1	0

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
Proposed Changes:					
Estimated Authorization Level	0	0	5	5	5
Estimated Outlays	0	0	3	4	5
Fish Recovery Spending Under H.R. 3153:					
Estimated Authorization Level [1]	2	4	5	5	5
Estimated Outlays	3	4	4	5	5

[1] The 2006 level is the amount appropriated for that year to carry out the fish recovery programs in the Upper Colorado and San Juan River Basins. The 2007 level reflects the current balance of authorized funding for the Bureau of Reclamation to carry out these fish recovery programs. For this estimate, CBO assumes that the remaining $4 million authorized to be appropriated for these programs will be provided in 2007.

Basis of estimate: For this estimate, CBO assumes that this legislation will be enacted in 2006 and that the estimated amounts necessary to implement the bill will be appropriated for 2008 through 2010.

Under current law, $46 million is authorized to be appropriated to the Bureau of Reclamation to implement the fish recovery programs for the Upper Colorado and San Juan River Basins. To date, the bureau has been appropriated $42 million for these programs, and CBO assumes that the balance of funds remaining from the current authorization (that is, $4 million) will be appropriated in fiscal year 2007. Enacting this legislation would increase the authorization of appropriation from $46 million to $61 million. CBO assumes that the additional $15 million authorized to be appropriated for the fish recovery programs would be provided over the 2008–2010 period in equal increments. Assuming appropriation of the authorized amount, CBO estimates that implementing this bill would cost $12 million over the 2008–2010 period.

Intergovernmental and private-sector impact: H.R. 3153 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The funds authorized in the bill would benefit states participating in programs that assist with recovering fish habitats. Any cost they may incur would result from complying with conditions for receiving federal assistance.

Previous CBO estimate: On December 2, 2005, CBO transmitted a cost estimate for S. 1578, the Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005, as ordered reported by the Senate Committee on Energy and Natural Resources on November 16, 2005. The two bills are identical, as are our cost estimates.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Fatimot Ladipo.

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):

SECTION 3 OF PUBLIC LAW 106–392

SEC. 3. AUTHORIZATION TO FUND RECOVERY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL PARTICIPATION IN CAPITAL PROJECTS.—(1) There is hereby authorized to be appropriated to the Secretary, [$46,000,000] *$61,000,000* to undertake capital projects to carry out the purposes of this Act. Such funds shall be considered a nonreimbursable Federal expenditure.

(2) The authority of the Secretary, acting through the Bureau of Reclamation, under this or any other provision of law to implement capital projects for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin shall expire in fiscal year [2008] *2010* unless reauthorized by an Act of Congress.

(3) The authority of the Secretary to implement the capital projects for the San Juan River Basin Recovery Implementation Program shall expire in fiscal year [2008] *2010* unless reauthorized by an Act of Congress.

(b) COST OF CAPITAL PROJECTS.—The total costs of the capital projects undertaken for the Recovery Implementation Programs receiving assistance under this Act shall not exceed [$100,000,000] *$126,000,000* of which—

(1) costs shall not exceed [$82,000,000] *$108,000,000* for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin through fiscal year [2008] *2010*; and

(2) costs shall not exceed $18,000,000 for the San Juan River Recovery Implementation Program through fiscal year [2008] *2010*.

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(c) NON-FEDERAL CONTRIBUTIONS TO CAPITAL PROJECTS.—(1) * * *

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(4) All contributions made pursuant to this subsection shall be in addition to the cost of replacement power purchased due to modifying the operation of the Colorado River Storage Project and the capital cost of water from Wolford Mountain Reservoir *and the Elkhead Reservoir enlargement* in Colorado. Such costs shall be considered as non-Federal contributions, not to exceed [$20,000,000] *$31,000,000*.

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