

LOWER RIO GRANDE VALLEY WATER RESOURCES
CONSERVATION AND IMPROVEMENT 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. 4588]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4588) to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2004”.

SEC. 2. AUTHORIZATION OF ADDITIONAL PROJECTS AND ACTIVITIES UNDER THE LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) **ADDITIONAL PROJECTS.**—Section 4(a) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended by adding at the end the following:

“(20) In Cameron County, Texas, Bayview Irrigation District No. 11, water conservation and improvement projects as identified in the March 3, 2004, engineering report by NRS Consulting Engineers at a cost of \$1,425,219.

“(21) In the Cameron County, Texas, the Brownsville Irrigation District, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of \$722,100.

“(22) In the Cameron County, Texas Harlingen Irrigation District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of \$4,173,950.

“(23) In the Cameron County, Texas, Cameron County Irrigation District No. 2, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of \$8,269,576.

“(24) Braden, Inc. at a cost of \$5,607,300.

“(25) In the Cameron County, Texas, Adams Gardens Irrigation District No. 19, water conservation and improvement projects as identified in the March, 2004 engineering report by Axiom-Blair Engineering at a cost of \$2,500,000.

“(26) In the Hidalgo and Cameron Counties, Texas, the Hidalgo and Cameron Counties Irrigation District No. 9, water conservation and improvement projects as identified by the February 11 engineering report by NRS Consulting Engineers at a cost of \$8,929,152.

“(27) In the Hidalgo and Willacy Counties, Texas, Delta Lake Irrigation District, water conservation and improvement projects as identified in the March, 2004 engineering report by Axiom-Blair Engineering at a cost of \$8,000,000.

“(28) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 2, a water conservation and improvement project identified in the engineering reports attached to a letter dated February 11, 2004, from the district’s general manager, at a cost of \$5,312,475.

“(29) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 1, water conservation and improvement projects identified in an engineering report dated March 5, 2004 by Melden and Hunt, Inc. at a cost of \$5,595,018.

“(30) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 6, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of \$3,450,000.

“(31) In the Hidalgo County, Texas Santa Cruz Irrigation District No. 15, water conservation and improvement projects as identified in an engineering report dated March 5, 2004 by Melden and Hunt at a cost of \$4,609,000.

“(32) In the Hidalgo County, Texas, Engelman Irrigation District, water conservation and improvement projects as identified in an engineering report dated March 5, 2004 by Melden and Hunt, Inc. at a cost of \$2,251,480.

“(33) In the Hidalgo County, Texas, Valley Acres Water District, water conservation and improvement projects as identified in an engineering report dated March, 2004 by Axiom-Blair Engineering at a cost of \$500,000.

“(34) In the Hudspeth County, Texas, Hudspeth County Conservation and Reclamation District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of \$1,500,000.

“(35) In the El Paso County, Texas, El Paso County Water Improvement District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of \$10,500,000.

“(36) In the Hidalgo County, Texas, Donna Irrigation District, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of \$2,500,000.

“(37) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 16, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of \$2,800,000.

“(38) The United Irrigation District of Hidalgo County water conservation and improvement projects as identified in a March 2004 engineering report by Sigler Winston, Greenwood and Associates at a cost of \$6,067,021.”.

(b) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY; TRANSFERS AMONG PROJECTS.—Section 4 of such Act (Public Law 106–576; 114 Stat. 3067) is further amended by redesignating subsection (c) as subsection (e), and by inserting after subsection (b) the following:

“(c) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY.—In addition to the activities identified in the engineering reports referred to in subsection (a), each project that the Secretary conducts or participates in under subsection (a) may include any of the following:

“(1) The replacement of irrigation canals and lateral canals with buried pipelines.

“(2) The impervious lining of irrigation canals and lateral canals.

“(3) Installation of water level, flow measurement, pump control, and telemetry systems.

“(4) The renovation and replacement of pumping plants.

“(5) Other activities that will result in the conservation of water or an improved supply of water.

“(d) TRANSFERS AMONG PROJECTS.—Of amounts made available for a project referred to in any of paragraphs (20) through (38) of subsection (a), the Secretary may transfer and use for another such project up to 10 percent.”.

SEC. 3. REAUTHORIZATION OF APPROPRIATIONS FOR LOWER RIO GRANDE CONSTRUCTION.

Section 4(e) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106-576; 114 Stat. 3067), as redesignated by section 2(b) of this Act, is further amended by inserting before the period the following: “for projects referred to in paragraphs (1) through (19) of subsection (a), and \$42,356,145 (2004 dollars) for projects referred to in paragraphs (20) through (38) of subsection (a)”.

PURPOSE OF THE BILL

The purpose of H.R. 4588 is to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Lower Rio Grande Valley, located along the Texas and Mexico borders, is subject to recurring drought conditions and high population growth. There are more than seven million people residing in this area, with approximately one million living in the United States. In light of persistent drought, high population growth and the negative effect of Mexico’s continuing water debt to the United States, a program to improve basic water management tools for this region was created by the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (P.L. 106-576). These tools, aimed at improving water conservation and efficiency at the local water district levels, include pipelines, canal lining, and water control facilities. Additional water management projects were authorized in 2002 under the amendments to the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 P.L.107-351. H.R. 4588 provides funding authorization to the Bureau of Reclamation for engineering work, infrastructure construction and improvements for nineteen new water conservation and efficiency projects in the Lower Rio Grande Valley. Under the bill, the Bureau of Reclamation will provide such funding to the local water districts to build the projects. H.R. 4588 increases the authorization for construction of these and previously authorized facilities by an additional \$42.35 million.

COMMITTEE ACTION

Congressman Ruben Hinojosa (D-TX) introduced H.R. 4588 on June 16, 2004. The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Water and Power. A hearing on the bill was held on July 8, 2004. On September 15, 2004, the Full Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration by unanimous consent. Rep. Hinojosa offered an amendment making clarifying and technical changes. The amendment was agreed to by unanimous consent. The bill, as amended, was ordered 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 Re-

sources' 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 Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes.

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, September 21, 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. 4588, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2004.

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

Sincerely,

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

Enclosure.

H.R. 4588—Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2004

Summary: H.R. 4588 would amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to

add 19 new water conservation projects to those eligible for federal assistance under that act. To build the 19 additional projects, the bill would authorize the appropriation of about \$42 million.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4588 would cost \$36 million over the 2006–2009 period and an additional \$6 million in 2010. Enacting H.R. 4588 would not affect direct spending or receipts.

H.R. 4588 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.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4588 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—				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	0	5	10	15	12
Estimated Outlays	0	2	7	15	12

Basis of estimate: For this estimate, CBO assumes that H.R. 4588 will be enacted near the start of 2005. Based on information from the Bureau of Reclamation, CBO estimates that implementing H.R. 4588 would cost \$36 million over the 2006–2009 period and an additional \$6 million in 2010, assuming appropriation of the authorized amounts.

Intergovernmental and private-sector impact: H.R. 4588 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the state of Texas and local governments in that state that would receive the authorized federal assistance. Any costs incurred by those governments to meet the conditions of the assistance would be incurred voluntarily.

Estimate prepared by: Federal Costs: Rachel Milberg. 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 (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 4 OF THE LOWER RIO GRANDE VALLEY WATER
RESOURCES CONSERVATION AND IMPROVEMENT ACT
OF 2000**

SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

(1) * * *

* * * * *

(20) *In Cameron County, Texas, Bayview Irrigation District No. 11, water conservation and improvement projects as identified in the March 3, 2004, engineering report by NRS Consulting Engineers at a cost of \$1,425,219.*

(21) *In the Cameron County, Texas, the Brownsville Irrigation District, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of \$722,100.*

(22) *In the Cameron County, Texas Harlingen Irrigation District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of \$4,173,950.*

(23) *In the Cameron County, Texas, Cameron County Irrigation District No. 2, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of \$8,269,576.*

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(30) *In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 6, water conservation and improvement projects as*

identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of \$3,450,000.

(31) In the Hidalgo County, Texas Santa Cruz Irrigation District No. 15, water conservation and improvement projects as identified in an engineering report dated March 5, 2004 by Melden and Hunt at a cost of \$4,609,000.

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(36) In the Hidalgo County, Texas, Donna Irrigation District, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of \$2,500,000.

(37) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 16, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of \$2,800,000.

(38) The United Irrigation District of Hidalgo County water conservation and improvement projects as identified in a March 2004 engineering report by Sigler Winston, Greenwood and Associates at a cost of \$6,067,021.

* * * * *

(c) **INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY.**—In addition to the activities identified in the engineering reports referred to in subsection (a), each project that the Secretary conducts or participates in under subsection (a) may include any of the following:

(1) The replacement of irrigation canals and lateral canals with buried pipelines.

(2) The impervious lining of irrigation canals and lateral canals.

(3) Installation of water level, flow measurement, pump control, and telemetry systems.

(4) The renovation and replacement of pumping plants.

(5) Other activities that will result in the conservation of water or an improved supply of water.

(d) **TRANSFERS AMONG PROJECTS.**—Of amounts made available for a project referred to in any of paragraphs (20) through (38) of subsection (a), the Secretary may transfer and use for another such project up to 10 percent.

[(c)] (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$47,000,000 (2001 dollars) *for projects referred to in paragraphs (1) through (19) of subsection (a), and \$42,356,145 (2004 dollars) for projects referred to in paragraphs (20) through (38) of subsection (a).*

