

Calendar No. 643

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-378

AUTHORIZING THE CONSTRUCTION OF TEMPERATURE CONTROL DEVICES AT FOLSOM DAM IN CALIFORNIA

OCTOBER 7 (legislative day, OCTOBER 2), 1998.—Ordered to be printed

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

REPORT

[To accompany H.R. 4079]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 4079) to authorize the construction of temperature control devices at Folsom Dam in California, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The legislation authorizes the Secretary of the Interior to construct a temperature control device at Folsom Dam and also on facilities delivering water from Folsom.

BACKGROUND AND NEED

Temperature control devices allow water to be diverted from different levels within the water column of a reservoir permitting regulation of water temperature downstream. A similar device was authorized and constructed at Shasta dam under section 3406(b)(6) of the Central Valley Project Improvement Act (title XXIV of P.L. 102-575) and the Secretary arguably has authority to install similar devices at other facilities within the Central Valley for the purposes of fish recovery and enhancement. This authorization, however, will clarify the authority of the Secretary to construct such a device at Folsom Dam and on associated facilities delivering water from Folsom.

LEGISLATIVE HISTORY

H.R. 4079 was introduced on June 18, 1998 by Congressman Doolittle and referred to the House Resources Committee. The measure was ordered reported to the House on July 29, 1998 and passed the House amended by voice vote under suspension of the rules on September 15, 1998. The Senate Committee on Energy and Natural Resources has not held a hearing on the bill.

At the business meeting on September 23, 1998, the Committee on Energy and Natural Resources ordered H.R. 4079 favorably reported without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on September 23, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 4079, without amendment.

SECTION-BY-SECTION ANALYSIS

Section 1(a) authorizes the Secretary of the Interior to construct a temperature control device at Folsom Dam and to operate the device as part of the Central Valley Project.

Subsection 1(b) authorized the Secretary to construct or assist in the construction of temperature control devices at non-Federal facilities delivering Central Valley Project water from Folsom Dam.

Subsection 1(c) authorizes \$5 million for the device at Folsom and \$1 million for the device or devices at non-Federal facilities as well as such sums as may be needed to operate the device at Folsom.

COST AND BUDGETARY CONSIDERATIONS

An estimate of the cost of this measure has been requested from the Congressional Budget Office, but has not been received as of the date of filing of this report. When the estimate is received, the Chairman will have it printed in the Congressional Record for the advice of the Senate. CBO estimated that H.R. 4079, as reported by the House Committee, would “result in additional outlays of \$7 million over the 1999–2003 period, assuming the appropriation of the necessary amounts. H.R. 4079 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that enacting H.R. 4079 would decrease direct spending by about \$400,000 over the 1999–2003. The bill contains no intergovernmental or private-sector mandates . . .”.

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. 4079. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and business.

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. 4079, as ordered reported.

EXECUTIVE COMMUNICATIONS

The Committee has not held hearings on this measure and has not requested formal Executive agency recommendations.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill H.R. 4079, as ordered reported.

