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108TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 108–760

AMENDING THE RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PARTICIPATE IN THE EL PASO, TEXAS, WATER RECLAMATION, REUSE, AND DESALINIZATION PROJECT, AND FOR OTHER PURPOSES

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. 4775]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4775) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other 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. 4775 is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The combined area of El Paso (Texas), Las Cruces (New Mexico), and Juarez (Mexico) is the third fastest growing metropolitan areas in North America. The City of El Paso's water comes from the Rio Grande River and the Hueco and Mesilla Bolsons aquifers. The Rio Grande, however, is not reliable during droughts, and the freshwater reserves in the Bolsons are being depleted and becoming more saline. As a result, the quantity and quality of the area's water has become a major concern.

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Although El Paso Water Utilities (EPWU) has undertaken water conservation and water recycling measures, the utility and region are looking to desalination as a long-term method to resolving the water supply situation. Through H.R. 4775, the City of El Paso hopes to secure federal financial assistance through the Title 16 Program (Public Law 102–575) to help finance construction of a joint EPWU—U.S. Army Fort Bliss facility desalination plant. The desalination plant, which could produce 27.5 million gallons per day (mgd) of water, is currently in the planning stage and will be built in northeast El Paso. The projected overall cost of the desalination plant is $72 million, with the Department of Defense spending $3.5 million because the project will provide 7.5 mgd of water to the base. Source water for the plant will be derived from brackish (saline) water supplies in the Hueco aquifer. H.R. 4775 authorizes a federal cost-share of 50 percent for design, planning and construction.

COMMITTEE ACTION

Congressman Silvestre Reyes (D–TX) introduced H.R. 4775 on July 7, 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 September 9, 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. No amendments were offered and the bill 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 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 amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, 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:

H.R. 4775—A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other purposes

Summary: H.R. 4775 would authorize the Secretary of the Interior to participate in the design, planning, and construction of facilities to reclaim and reuse wastewater, and to treat and reuse brackish groundwater in cooperation with the El Paso Water Utilities Public Service Board in Texas. The federal share of the cost of this project could not exceed 50 percent, or a maximum of $20 million.

Assuming appropriation of the necessary funds, CBO estimates that implementing H.R. 4775 would cost $18 million over the 2005–2009 period and an additional $2 million after that period. Enacting this bill would not affect direct spending or revenues.

H.R. 4775 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. 4775 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					
Estimated Authorization Level	4	4	4	4	4
Estimated Outlays	3	3	4	4	4

Basis of estimate: For this estimate, CBO assumes that H.R. 4775 will be enacted near the start of fiscal year 2005 and that the authorized amount will be appropriated in equal amounts over the 2005–2009 period. Based on historical spending patterns of similar projects, CBO estimates that implementing this bill would cost $18 million over the 2005–2009 period and an additional $2 million after that period.

At this time, the scope of the authorized project is uncertain. Because the project authorization under H.R. 4775 is broad, CBO assumes that the federal share of the project's cost would be the maximum of $20 million.

Intergovernmental and private-sector impact: H.R. 4775 contains no intergovernmental or private-sector mandates as defined in

UMRA and would impose no costs on state, local, or tribal governments. The federal funds authorized by this bill would benefit the city of El Paso, Texas. Any expenditures made by the city to provide the required matching funds would be made voluntarily.

Estimate prepared by: Federal Costs: Julie Middleton. 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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992

(Public Law 102–575)

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SEC. 2. DEFINITION AND TABLE OF CONTENTS.

For purposes of this Act, the term "Secretary" means the Secretary of the Interior.

TABLE OF CONTENTS

Sec. 1. Short title.

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TITLE XVI—RECLAMATION WASTEWATER AND GROUND WATER STUDIES

Sec. 1601. Short title.

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Sec. 16____. El Paso, Texas, water reclamation, reuse, and desalinization project.

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TITLE XVI—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES

SEC. 1601. SHORT TITLE.

This title may be referred to as the "Reclamation Wastewater and Groundwater Study and Facilities Act".

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SEC. 16____. EL PASO, TEXAS, WATER RECLAMATION, REUSE, AND DESALINIZATION PROJECT.

(a) AUTHORIZATION.—The Secretary, in cooperation with the State and local authorities, is authorized to participate in the design, planning, and construction of the El Paso Water Reclamation,

Reuse, and Desalinization project to reclaim and reuse wastewater and to treat and reuse impaired and brackish groundwater in the service area of the El Paso Water Utilities Public Service Board, El Paso, Texas.

(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 50 percent of the total cost of the project.

(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

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