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109TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 109–167

EXTENSION OF PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS

JULY 13, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1359]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1359) to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects, 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. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220(j) of the Federal Water Pollution Control Act (33 U.S.C. 1300(j)) is amended in the first sentence by striking "$75,000,000 for fiscal years 2002 through 2004" and inserting "$125,000,000".

PURPOSE OF THE LEGISLATION

H.R. 1359 amends section 220 of the Federal Water Pollution Control Act (the Clean Water Act) to reauthorize appropriations for the Environmental Protection Agency (EPA) to provide grants for alternative water source projects to meet critical water supply needs.

BACKGROUND AND NEED FOR LEGISLATION

In recent years, there has been increasing interest by communities across the Nation and by Congress in ensuring the availability of water sources to meet future water supply needs. Growth in population and increasing environmental awareness are causing

many communities to explore alternative water supplies through reclamation, reuse, and conservation. While Clean Water Act construction grants (before Fiscal Year 1991) and State Revolving Loan Funds (since Fiscal Year 1989) have been available for such activities, most expenditures to date have been for more traditional wastewater projects, and not for enhancing water supplies through wastewater reuse and water recycling.

To provide Federal assistance, in 2000, in Title VI of P.L. 106–457, Congress amended the Clean Water Act to add section 220. Section 220 authorized appropriations of $75 million for fiscal years 2002 through 2004 for EPA to make grants for alternative water source projects to entities with authority under State law to develop or provide water for municipal and industrial or agricultural uses in areas that are experiencing critical water supply needs, with a non-Federal cost share of 50 percent. This authorization has expired. Reauthorization of section 220 of the Clean Water Act provides an authority to help meet some critical water supply needs around the Nation.

SUMMARY OF THE LEGISLATION

H.R. 1359, as reported, would amend section 220 of the Clean Water Act to authorize a total of $125 million for EPA grants for alternative water source projects. There is no fiscal year limitation on the authorization of appropriations.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On March 16, 2005, the Subcommittee on Water Resources and Environment held a hearing on Member project requests for the Water Resources Development Act of 2005. Among the Member project requests discussed at the hearing and received by the Subcommittee were requests for water reuse projects to augment water supplies, although single purpose municipal and industrial water supply projects are not a primary mission of the Corps of Engineers and are cost-shared as 100 percent reimbursable. In addition, in the 108th Congress, the Subcommittee on Water Resources and Environment held hearings on issues relating to water scarcity and demand on May 22 and June 4, 2003.

Representative Jim Davis introduced H.R. 1359 on March 17, 2005. H.R. 1359 was referred to the Committee on Transportation and Infrastructure. The Committee on Transportation and Infrastructure met in open session on May 18, 2005 to consider H.R. 1359 and other legislation. The Committee adopted by voice vote an amendment in the nature of a substitute. The amendment removed the fiscal year limitation on the authorization of appropriations, leaving the total amount authorized at $125 million. The Committee ordered the bill, as amended, reported to the House by voice vote.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded

votes taken in connection with ordering H.R. 1359 reported. A motion to order H.R. 1359 reported to the House was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to meet critical water supply needs around the Nation by developing or providing additional water for municipal, industrial, or agricultural uses through alternative water source projects.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1359 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 27, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1359, a bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs); and Lisa Ramirez-Branum (for the state and local impact).

Sincerely,

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

Enclosure.

H.R. 1359—A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects

Summary: CBO estimates that implementing this legislation would cost $63 million over the next five years, assuming appropriation of the authorized amount. H.R. 1359 would extend the authorization for an Environmental Protection Agency program to provide grants to states, interstate and intrastate water resource development agencies, local government agencies, private utilities, and nonprofit entities to develop projects that would enhance water supplies by reusing or treating wastewater. This legislation would authorize the appropriation of $125 million for the pilot program without any fiscal-year limitation. Enacting the bill would not affect direct spending or revenues.

H.R. 1359 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: For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2005 and that the amount authorized will be appropriated evenly over the five years covered by this cost estimate, 2006 through 2010. Estimated outlays are based on historical spending patterns of similar grant programs. The estimated budgetary impact of H.R. 1359 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
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	25	25	25	25	25
Estimated Outlays	1	5	13	20	24

Note: The pilot program has not been previously funded.

Intergovernmental and private-sector impact: H.R. 1359 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this bill would benefit states receiving grant funding. Those grants require a nonfederal cost-share of at least 50 percent. Because that requirement would be a condition for receiving federal assistance, it would not be a mandate under UMRA.

Estimate prepared by: Federal costs: Susanne S. Mehlman; impact on state, local, and tribal governments: Lisa Ramirez-Branum, impact on the private sector: Jean Talarico.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1359 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

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 220 OF THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 220. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

(a) * * *

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(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of **[**$75,000,000 for fiscal years 2002 through 2004**]** *$125,000,000*. Such sums shall remain available until expended.

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