

## Calendar No. 132

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115–102

### WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION EXTENSION ACT

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JUNE 8, 2017.—Ordered to be printed

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

### R E P O R T

[To accompany S. 703]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 703) to extend the authority of the Secretary of the Interior to carry out the Equus Beds Division of the Wichita Project, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 703 is to extend the authority of the Secretary of the Interior to carry out the Equus Beds Division of the Wichita Project.

#### BACKGROUND AND NEED

Water is supplied to the City of Wichita, Kansas from the Cheney Reservoir and the Equus Beds aquifer. The Cheney Reservoir is impounded by the Cheney Dam, which Congress authorized in 1960 with the enactment of Public Law 86–787. The Cheney Dam and Reservoir make up the Cheney Division of the Bureau of Reclamation’s Wichita Project. Artificial recharge of the Equus Beds aquifer is needed to ensure the city can meet future water demand during periods of prolonged drought.

To meet this demand, in 2006, Congress enacted the Wichita Project Equus Beds Division Authorization Act of 2005 (Public Law 109–299), which amended Public Law 86–787. The amendment authorized the Bureau of Reclamation (BOR) to enter into agreements

with the City of Wichita to fund and implement the Equus Beds Division of the Wichita Project. The authorization, which allows the BOR to provide up to 25 percent or \$30 million (indexed from January 2003) of the total estimated project costs, expired in October 2016 prior to completion of the project. The Equus Beds Aquifer Storage and Recovery Project is a major component of the City of Wichita's Drought Response Plan to increase and sustain drought protection through 2060. The project is intended to improve drought resilience by recharging groundwater and protecting the Equus Beds Aquifer against salt and contaminant intrusion.

S. 703 will extend the project's authorization by an additional 10 years to allow continued BOR participation in the Equus Beds Aquifer Storage and Recovery Project.

#### LEGISLATIVE HISTORY

Senators Moran and Roberts introduced S. 703 on March 22, 2017.

In the 114th Congress, Senators Moran and Roberts introduced similar legislation, S. 2488, on February 3, 2016.

The measure was included in Amendment No. 3234, which the Senate agreed to on April 19, 2016, as an amendment to S. 2012, the Energy Policy Modernization Act of 2016, which the Senate passed, as amended, on April 20, 2016.

Representative Pompeo introduced companion legislation, H.R. 4440, in the House of Representatives on February 2, 2016.

The Senate Committee on Energy and Natural Resources, in an open business session on March 30, 2017, by a majority voice vote of a quorum present, recommended that the Senate pass S. 703.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on March 30, 2017, by a voice vote of a quorum present, recommended that the Senate pass S. 703.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title.

*Section 2* extends by 10 years the existing authorization for the Equus Beds Division of the Wichita Project by replacing "10 years" with "20 years" in section 10(h) of Public Law 86-787.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

S. 703 would authorize the Bureau of Reclamation (BOR) to assist the city of Wichita, Kansas with implementing a local plan to recharge the groundwater of the Equus Beds Aquifer. The project consists of four phases and the city has completed phases I and II. The bill would authorize the BOR to assist the city with the final phases of the project over the next 10 years.

Based on information from the BOR, and assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$30 million over the 2018-2022 period.

Enacting S. 703 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO also estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 703 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 CBO Staff contact for this estimate is Aurora Swanson (Federal Costs), Jon Sperl (Impacts on State, Local and Tribal Governments), and Amy Petz (Impact on the Private Sector). The estimate was approved by H. Samuel Papenfuss, Deputy, Assistant Director for Budget Analysis.

#### 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 S. 703.

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

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 S. 703, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 703, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

Executive Communications were not requested by the Senate Committee on Energy and Natural Resources in the 115th Congress.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original 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):

#### **Public Law 86-787**

As amended by Public Law 109-299

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#### **SEC. 10. EQUUS BEDS DIVISION.**

(a) **AUTHORIZATION.**—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the Integrated

Local Water Supply Plan, Wichita, Kansas' (referred to in this section as the 'Equus Beds Division'). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations.

(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to exceed 25 percent of the total cost or \$30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate **[10 years]** *20 years* after the date of enactment of this section.