

WATER RECYCLING INVESTMENT AND IMPROVEMENT
ACT

DECEMBER 18, 2020.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1162]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1162) to establish a grant program for the funding of water recycling and reuse projects, 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:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Recycling Investment and Improvement Act”.

SEC. 2. COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.

(a) **COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.**—Section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) **PRIORITY.**—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the following criteria:

“(A) Projects that are likely to provide a more reliable water supply for States and local governments.

“(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

“(C) Projects that are regional in nature.

- “(D) Projects with multiple stakeholders.
 “(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.”.
- (b) AUTHORIZATION OF APPROPRIATIONS.—Section 1602(g) of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended—
- (1) by striking “\$50,000,000” and inserting “\$500,000,000 through fiscal year 2025”; and
 - (2) by striking “if enacted appropriations legislation designates funding to them by name.”.
- (c) DURATION.—Section 4013 of the WIIN Act (43 U.S.C. 390b(2)) is amended—
- (1) in paragraph (1), by striking “and”;
 - (2) in paragraph (2), by striking the period and inserting “; and”; and
 - (3) by adding at the end the following:
 “(3) section 4009(c).”.
- (d) LIMITATION ON FUNDING.—Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13(d)) is amended by striking “\$20,000,000 (October 1996 prices)” and inserting “\$30,000,000 (January 2019 prices)”.

PURPOSE OF THE BILL

The purpose of H.R. 1162 is to establish a grant program for the funding of water recycling and reuse projects.

BACKGROUND AND NEED FOR LEGISLATION

Water recycling and reuse projects recover and treat wastewater and impaired ground and surface water to repurpose it for a new intended use. In regions frequently affected by drought, water recycling and reuse projects can provide new, virtually drought-proof local water supplies for a variety of uses. The arid western states, and California in particular, have significantly increased recycled water use in recent years. Since the 1980s, California has nearly tripled recycled water use and its use continues to grow.¹ Despite this growth, water recycling still represents a major untapped new water source for California and other regions affected by droughts, which are becoming increasingly frequent and severe due to climate change.² California currently reuses a small fraction of its wastewater—approximately 700,000 acre-feet per year—or enough water to supply approximately four million people per year.³ The state recently established a goal to increase recycled water to at least 2.5 million acre-feet per year by 2030, which would supply fifteen million Californians each year.⁴

Title XVI of Public Law 102–575, commonly referred to as the Title XVI Water Reclamation and Reuse program (Title XVI Program), provides the U.S. Bureau of Reclamation (Reclamation) with the authority to support water projects that reclaim and reuse municipal, industrial, and agricultural wastewater and naturally impaired ground and surface water. The Title XVI Program provides

¹ *California’s Growing Demand for Recycled Water Has Ripple Effects*, PUBLIC POLICY INSTITUTE OF CALIFORNIA (May 2019), <https://www.ppic.org/blog/californias-growing-demand-for-recycled-water-has-ripple-effects/>.

² Heather Cooley, and R. Phurisamban, *The Cost of Alternative Water Supply and Efficiency Options in California*, PACIFIC INSTITUTE (October 2016), https://pacinst.org/wp-content/uploads/2016/10/PI_TheCostofAlternativeWaterSupplyEfficiencyOptionsinCA.pdf.

³ *California’s Growing Demand for Recycled Water Has Ripple Effects*, PUBLIC POLICY INSTITUTE OF CALIFORNIA (May 2019), <https://www.ppic.org/blog/californias-growing-demand-for-recycled-water-has-ripple-effects/>.

⁴ *California Water Resilience Portfolio*, CALIFORNIA NATURAL RESOURCES AGENCY (July 2020), https://waterresilience.ca.gov/wp-content/uploads/2020/07/Final_California-Water-Resilience-Portfolio-2020_ADA3_v2_ay11-opt.pdf

funding for up to 25 percent of the planning, design, and construction costs of a water recycling project in the Western United States and United States territories. At least 75 percent of the remaining costs are paid for by non-federal cost-share sponsors, typically local water utilities. In 2016, amendments in P.L. 114–322 to Title XVI of P.L. 102–575 authorized a water recycling competitive grant program to fund planning, design, and construction of projects that have been studied in non-federal feasibility studies and approved by the Interior Secretary for federal action.⁵

Since 1992, approximately \$715 million in federal funds for the Title XVI Program has been leveraged with more than \$2.8 billion in non-federal funds to construct water recycling projects across the West.⁶ In 2018, an estimated 431,000 acre-feet of water was recycled and made available through Title XVI projects.⁷

Title XVI projects also support improved water supply reliability through the development of local water supplies. For example, Title XVI projects reduce the threat of water supply cuts to Southern California from imported water sources in Northern California and from the Colorado River. The aqueducts transporting imported water from these sources are hundreds of miles long and cross the San Andreas Fault several times.⁸ Southern California water utilities have testified that more local water projects like Title XVI projects will diminish the threat posed by future seismic events, which could damage the Colorado River Aqueduct and the California Aqueduct and cut off imported water supplies for tens of millions of Southern Californians.⁹

Despite the Title XVI Program’s success, it remains greatly underfunded at the federal level. There is a backlog of nearly \$1 billion in eligible but unfunded Title XVI projects.¹⁰ H.R. 1162 would permanently reauthorize Reclamation’s Title XVI water recycling competitive grant program and raise the program’s funding authorization from \$50 million to \$500 million through 2025. H.R. 1162 also removes the requirement that specific recycling projects be named in appropriations legislation before funding can be received, and amends the grant program to open funding priority beyond areas that have been specifically identified by the U.S. Drought Monitor or designated as a disaster area in the past four years. Finally, the bill raises the ceiling on federal spending for individual water recycling and reuse projects from \$20 million (October 1996 prices) to \$30 million (January 2019 prices).¹¹

⁵ Section 4009(c) of the WIIN Act, P.L. 114–322.

⁶ United States Government Accountability Office, *Water Reuse Grant Program Supports Diverse Projects and Is Managed Consistently with Federal Regulation* (December 2018), <https://www.gao.gov/assets/700/696007.pdf>.

⁷ U.S. Bureau of Reclamation, *Title XVI—Water Reclamation and Reuse* (Updated Sept. 10, 2020), <https://www.usbr.gov/watersmart/title/index.html>.

⁸ Rosanna Xia and Rong-Gong Lin II, *Earthquake could destroy L.A.’s water lifeline*, *Los Angeles Times* (Dec. 15, 2014), <https://www.latimes.com/local/california/la-me-quake-water-20141216-story.html>.

⁹ *Id.*; see also *Hearing on H.R. 335, H.R. 729, H.R. 2185, H.R. 3115, H.R. 3237, H.R. 3510, H.R. 3541, H.R. 3596, H.R. 3723*, Before the H. Comm. on Nat. Res., Subcommittee on Water, Oceans, and Wildlife, 116th Cong. (2019) (not printed), (statement of Rick Shintaku, General Manager, South Coast Water District), <https://naturalresources.house.gov/imo/media/doc/Shintaku%20Testimony%20-%20Sub%20on%20WOW%20Leg%20Hrg%2007.25.19.pdf>.

¹⁰ United States Government Accountability Office, *Water Reuse Grant Program Supports Diverse Projects and Is Managed Consistently with Federal Regulation* (December 2018), <https://www.gao.gov/assets/700/696007.pdf>

¹¹ In 1996, Congress limited the federal share of individual projects to \$20 million in 1996 dollars (P.L. 104–266).

Additionally, the Committee notes that the Title XVI projects provide multiple public benefits in exchange for modest federal investments. These benefits include pollution prevention through reduced wastewater discharges into streams, lakes, and beaches; greater flexibility to reduce water diversions from public rivers and imperiled ecosystems; more abundant fish and wildlife; and improved water quality and recreation.¹²

Apart from limited opposition from some Republican members of the Committee, there is widespread support for water recycling and reuse projects and H.R. 1162. While a few Republican members of the Committee have cited cost concerns, in truth water reuse projects are highly cost competitive and, in many cases, provide the cheapest new water source available.¹³ The Committee and numerous interested stakeholders support H.R. 1162 because it will help reduce the nearly \$1 billion backlog for eligible Title XVI projects, advance projects that can provide virtually drought-proof water supplies for millions of Americans, and provide numerous benefits for the public at large, including pollution prevention, improved water quality and recreation, and more abundant fish and wildlife.

COMMITTEE ACTION

H.R. 1162 was introduced on February 13, 2019, by Representative Grace Napolitano (D–CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On June 13, 2019, the Subcommittee held a hearing on the bill. On March 11, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Representative Napolitano offered an amendment designated Napolitano #1. The amendment was agreed to by voice vote. No additional amendments were offered, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 19 yeas and 12 nays, as follows:¹⁴

¹²See e.g. *2012 Guidelines for Water Reuse*, U.S. Environmental Protection Agency, <https://nepis.epa.gov/Adobe/PDF/P100FS7K.pdf>.

¹³WaterReuse Research Foundation, *The Opportunities and Economics of Direct Potable Reuse*, 2014.

¹⁴Rep. Nydia M. Velázquez (D–NY) was unable to vote due to a scheduling conflict with a markup at the House Committee on Small Business, of which she is the Chair. Rep. Velázquez requested, after the closing of the vote, that the record reflect that had she been present she would have voted in favor of adopting the bill as amended and ordering it favorably reported.

Date: March 11, 2020

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 1162

Amendment:

Disposition: Final Passage: H.R. 1162, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 19 yeas and 12 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD	X		
2	Mr. Cartwright, PA			
3	Mr. Case, HI	X		
4	Mr. Clay, MO	X		
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO	X		
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (<i>Chair</i>)	X		
12	Mr. Garcia, IL	X		
13	Ms. Haaland, NM	X		
14	Mr. Horsford, NV			
15	Mr. Huffman, CA	X		
16	Mr. Levin, CA	X		
17	Mr. Lowenthal, CA	X		
18	Mr. McEachin, VA			
19	Ms. Napolitano, CA	X		
20	Mr. Neguse, CO	X		
21	Mr. Sablan, CNMI	X		
22	Mr. San Nicolas, GU			
23	Mr. Soto, FL	X		
24	Mr. Tonko, NY	X		
25	Ms. Velázquez, NY			
26				
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (<i>Ranking</i>)		X	
2	Ms. Cheney, WY		X	
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX			
7	Ms. González-Colón, PR		X	
8	Mr. Gosar, AZ			
9	Mr. Graves, LA		X	
10	Mr. Hern, OK		X	
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR			
18	Mr. Wittman, VA		X	
19	Mr. Young, AK			
	TOTALS	19	12	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

On July 1, 2020, the House of Representatives passed H.R. 2, the Moving Forward Act, which included a version of the text of H.R. 1162.¹⁵

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 1162: hearing by the Subcommittee on Water, Oceans, and Wildlife held on June 13, 2019.

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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 6, 2020.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1162, the Water Recycling Investment and Improvement Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

¹⁵H.R. 2, 116th Cong. (as passed by and engrossed in the House, July 1, 2020).

H.R. 1162, Water Recycling Investment and Improvement Act			
As ordered reported by the House Committee on Natural Resources on March 11, 2020			
By Fiscal Year, Millions of Dollars	2021	2021-2025	2021-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	60	445	500
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 1162 would authorize the appropriation of \$500 million for a competitive grant program to fund water recycling and reuse projects and would make the program permanent. The bill would require the authorized amount to be appropriated before the end of 2025, but otherwise does not specify the year in which any appropriation should be provided.

For this estimate, CBO has assumed that the Congress would provide \$100 million a year from 2021 through 2025. On that basis, and using information from the Bureau of Reclamation (BOR), CBO estimates that implementing H.R. 1162 would cost \$445 million over the 2021–2025 period. The remaining funds would be spent within a few years after 2025. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1162

	By fiscal year, millions of dollars—					
	2021	2022	2023	2024	2025	2021–2025
Authorization ^a	100	100	100	100	100	500
Estimated Outlays	60	85	100	100	100	545

^aThe bill would authorize the appropriation of \$500 million by 2025, but not specify how much should be appropriated in any fiscal year. Using information from the Bureau of Reclamation, CBO has estimated those amounts for each fiscal year through 2025.

Through 2019, the program had received appropriations totaling \$50 million and most of those funds have been expended. Since 2016, about 50 projects have been identified by BOR, which administers the program, as eligible to compete for grants. If all of those projects were funded, the federal share of costs would total nearly \$700 million. Under current law, BOR may accept proposals until the program expires in December 2021.

The CBO staff contact for this estimate is Aurora Swanson. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director for Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objec-

tives of this bill are to establish a grant program for the funding of water recycling and reuse projects.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO 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.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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 italics, and existing law in which no change is proposed is shown in roman):

RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT

TITLE XVI—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES

* * * * *

SEC. 1602. GENERAL AUTHORITY.

(a) The Secretary of the Interior (hereafter "Secretary"), acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter "Federal reclamation laws"), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for

the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including desalting, for the reclamation of wastewater and naturally impaired ground and surface waters.

(b) Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) as amended, and the State of Hawaii.

(c) The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of this title.

(d) The secretary shall not investigate, promote or implement, pursuant to this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

(e) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.—

(1) SUBMISSION TO THE SECRETARY.—

(A) IN GENERAL.—Non-Federal interests may submit proposals for projects eligible to be authorized pursuant to this section in the form of completed feasibility studies to the Secretary.

(B) ELIGIBLE PROJECTS.—A project shall be considered eligible for consideration under this section if the project reclaims and reuses—

- (i) municipal, industrial, domestic, or agricultural wastewater; or
- (ii) impaired ground or surface waters.

(C) GUIDELINES.—Within 60 days of the enactment of this Act the Secretary shall issue guidelines for feasibility studies for water recycling and reuse projects to provide sufficient information for the formulation of the studies.

(2) REVIEW BY THE SECRETARY.—The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of—

(A) determining whether the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water recycling and reuse projects; and

(B) the project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the Secretary's review of the study under paragraph (2), including a determination of whether the project is feasible;

(B) any recommendations the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(4) ELIGIBILITY FOR FUNDING.—The non-Federal project sponsor of any project determined by the Secretary to be feasible under paragraph (3)(A) shall be eligible to apply to the Secretary for funding for the Federal share of the costs of planning, designing and constructing the project pursuant to subsection (f).

(f) COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program under which the non-Federal project sponsor of any project determined by the Secretary to be feasible under subsection (e)(3)(A) shall be eligible to apply for funding for the planning, design, and construction of the project, subject to subsection (g)(2).

[(2) PRIORITY.—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the criteria listed in paragraph (3) and are located in an area that—

[(A) has been identified by the United States Drought Monitor as experiencing severe, extreme, or exceptional drought at any time in the 4-year period before such funds are made available; or

[(B) was designated as a disaster area by a State during the 4-year period before such funds are made available.

[(3) CRITERIA.—The project criteria referred to in paragraph (2) are the following:

[(A) Projects that are likely to provide a more reliable water supply for States and local governments.

[(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

[(C) Projects that are regional in nature.

[(D) Projects with multiple stakeholders.

[(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.]

(2) PRIORITY.—*When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the following criteria:*

(A) Projects that are likely to provide a more reliable water supply for States and local governments.

(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

(C) Projects that are regional in nature.

(D) Projects with multiple stakeholders.

(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the Secretary of the Interior an additional ~~【\$50,000,000】~~ *\$500,000,000 through fiscal year 2025* to remain available until expended.

(2) Projects can only receive funding ~~【if enacted appropriations legislation designates funding to them by name,】~~ after the Secretary recommends specific projects for funding pursuant to subsection (f) and transmits such recommendations to the appropriate committees of Congress.

* * * * *

SEC. 1631. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of sections 1601 through 1630 of this title.

(b)(1) Funds may not be appropriated for the construction of any project authorized by this title until after—

(A) an appraisal investigation and a feasibility study that complies with the provisions of sections 1603(b) or 1604(c), as the case may be, have been completed by the Secretary or the non-Federal project sponsor;

(B) the Secretary has determined that the non-Federal project sponsor is financially capable of funding the non-Federal share of the project's costs; and

(C) the Secretary has approved a cost-sharing agreement with the non-Federal project sponsor which commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(2) The requirements of paragraph (1) shall not apply to those projects authorized by this title for which funds were appropriated prior to January 1, 1996.

(c) The Secretary shall notify the Committees on Resources and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate within 30 days after the signing of a cost-sharing agreement pursuant to subsection (b) that such an agreement has been signed and that the Secretary has determined that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(d)(1) Notwithstanding any other provision of this title and except as provided by paragraph (2), the Federal share of the costs of each of the individual projects authorized by this title shall not exceed ~~【\$20,000,000 (October 1996 prices)】~~ *\$30,000,000 (January 2019 prices)*.

(2)(A) Subject to subparagraph (B), in the case of any project authorized by this title for which construction funds were appropriated before January 1, 1996, the Federal share of the cost of such project may not exceed the amount specified as the "total Federal obligation" for that project in the budget justification made by the Bureau of Reclamation for fiscal year 1997, as contained in

part 3 of the report of the hearing held on March 27, 1996, before the Subcommittee on Energy and Water Development of the Committee on Appropriations of the House of Representatives.

(B) In the case of the San Gabriel Basin demonstration project authorized by section 1614, the Federal share of the cost of such project may not exceed the sum determined by adding—

- (i) the amount that applies to that project under subparagraph (A); and
- (ii) \$6,500,000.

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WIIN ACT

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TITLE III—NATURAL RESOURCES

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Subtitle J—California Water

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SEC. 4013. DURATION.

This subtitle shall expire on the date that is 5 years after the date of its enactment, with the exception of—

- (1) section 4004, which shall expire 10 years after the date of its enactment; **[and]**
- (2) projects under construction in sections 4007, 4009(a), and 4009(c) **[.]; and**
- (3) *section 4009(c).*

* * * * *

DISSENTING VIEWS

Funding for water recycling projects was included in the Water Infrastructure Investments for the Nation Act (WIIN Act, Public Law 114–322) as part of a bipartisan package of Bureau of Reclamation provisions. Those provisions, which also included surface storage funding, water operational flexibility in California, and desalination funding, were the result of hard work and compromise. It was truly a bipartisan effort. These provisions of the WIIN Act are an important step forward in protecting against the devastation of future droughts in the West.

These provisions will soon expire, and the Democrats seem to have no intention to extend them so that this important work can continue. In the WIIN Act's place, they have chosen to move bills like H.R. 1162 which proposes to spend half a billion dollars to recycle what little water is not flushed out to the ocean.

Instead of addressing the almost \$200 million of authorized funding for abandoned Title XVI water projects, none of which this bill deauthorizes, the Democrats are increasing the funding authority by \$450 million. Clearly, this program would benefit from more Congressional oversight, not less.

It is time to reauthorize all the Bureau of Reclamation provisions in the WIIN Act. For these reasons, Republicans opposed H.R. 1162 as reported by the Committee on Natural Resources.

ROB BISHOP.
LOUIE GOHMERT.
TOM MCCLINTOCK.
PAUL GOSAR.

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