

DANA POINT DESALINATION PROJECT AUTHORIZATION
ACT

DECEMBER 12, 2005.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3929]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3929) to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California, 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. SHORT TITLE.

This Act may be cited as the “Dana Point Desalination Project Authorization Act”.

SEC. 2. AUTHORIZATION FOR DANA POINT DESALINATION PROJECT.

The Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended by adding at the end the following new section:

“SEC. 10. DANA POINT DESALINATION RESEARCH AND FEASIBILITY RELATED COSTS.

“(a) **AUTHORITY.**—The Secretary may assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

“(b) **FEDERAL SHARE.**—Notwithstanding section 7, the Federal share of the costs for the project assisted under subsection (a) shall not exceed 25 percent of the total costs of the project.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to the Secretary \$2,500,000 to carry out this section.

“(d) **SUNSET.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.”.

PURPOSE OF THE BILL

The purpose of H.R. 3929 is to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

BACKGROUND AND NEED FOR LEGISLATION

The Municipal Water District of Orange County provides wholesale water to 30 cities and retail water agencies in Orange County, California. Like many water suppliers in Southern California, the District relies heavily on imported water from the Colorado River and the Sacramento/San Joaquin Bay-Delta. Along with most of California, Orange County has experienced tremendous population growth and will continue to do so, thus putting an even greater burden on scarce water supplies. As water supplies become more scarce, communities are increasingly looking to desalination as a way to create new water.

The Federal Government can play a limited but important role in developing desalination technologies. The Water Desalination Act of 1996 authorizes the Secretary of the Interior to “conduct, encourage, and assist in the financing of research to develop processes for converting saline water into water suitable for beneficial uses.” This legislation amends the Water Desalination Act to authorize up to \$2.5 million in Federal funds to assist the Municipal Water District of Orange County in conducting preliminary engineering and environmental studies on the Dana Point Desalination Project. If found feasible under Bureau of Reclamation standards and guidelines, this relatively small project would use a unique subsurface ocean intake system to reduce impacts on the environment, cut down on pre-treatment costs related to desalination and deliver approximately 15,000 to 20,000 acre-feet of water per year to water consumers in Orange County.

COMMITTEE ACTION

H.R. 3929 was introduced on September 28, 2005, by Congressman Ken Calvert (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. The bill was additionally referred to the Committee on Science. On October 6, 2005 the Subcommittee held a hearing on the bill. On November 16, 2005, the Full Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. Congressman George Radanovich (R-CA) offered an amendment to place a 10-year sunset on the bill’s authorization. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This section cites the short title of this bill as the “Dana Point Desalination Project Authorization Act.”

Section 2. Authorization for Dana Point Desalination Project

The section amends the Water Desalination Act of 1996 (Public Law 104–298) to authorize the Secretary of the Interior to assist the Municipal Water District of Orange County in studies and preliminary engineering of the Dana Point Desalination Project located in Dana Point, California. As amended, this section also specifies that the Federal cost share of the project cannot exceed 25 percent, authorizes \$2.5 million for Federal assistance, and limits the Federal authorization to 10 years.

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 Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

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. 3929—Dana Point Desalination Project Authorization Act

Summary: H.R. 3929 would authorize the appropriation of \$2.5 million for research and development, environmental and feasibility studies, and preliminary engineering to assist the Municipal Water District of Orange County develop a desalination plant in Dana Point, California. The authority would terminate within 10 years and the Federal share of the project's studies and initial engineering costs could not exceed 25 percent.

Assuming appropriation of the authorized amount, CBO estimates that implementing H.R. 3929 would cost \$2.5 million over the 2006–2007 period. Enacting the bill would not affect direct spending or revenues.

H.R. 3929 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments. The bill would authorize funding for desalination activities that would benefit the water district in Orange County, California. Any costs to the water district would result from complying with conditions for receiving Federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3929 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

For this estimate, CBO assumes that H.R. 3929 will be enacted near the end of calendar year 2005 and that the authorized amount will be appropriated in fiscal year 2006. Based on historical spending patterns of similar projects, CBO estimates that implementing this bill would cost \$2.5 million over the 2006–2007 period.

| | By fiscal year, in millions of dollars— | | | | |
|--|---|------|------|------|------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| Authorization Level | 3 | 0 | 0 | 0 | 0 |
| Estimated Outlays | 2 | 1 | 0 | 0 | 0 |

Intergovernmental and private-sector impact: H.R. 3929 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments. The bill would authorize funding for desalination activities that would benefit the water district in Orange County, California. Any costs to the water district would result from complying with conditions for receiving Federal assistance.

Estimate prepared by: Federal Costs: Matthew Pickford. Impact on State, local, and tribal Governments: Marjorie Miller. Impact on the Private Sector: Selena Caldera.

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.

COST ESTIMATE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON RESOURCES,
Washington, DC, December 8, 2005.

Hon. SHERWOOD BOEHLERT,
*Chairman, Committee on Science,
 Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I ask your assistance in expediting consideration of H.R. 3929, the Dana Point Desalination Project Authorization Act, authored by our mutual committee colleague Ken Calvert. The bill was referred primarily to the Committee on Resources and additionally to the Committee on Science. The Committee on Resources ordered the bill favorably reported with an amendment by unanimous consent on November 16, 2005, and my staff has transmitted to your staff a copy of the draft bill report and the reported text.

I ask that you allow the Committee on Science to be discharged from further consideration of the bill in the hopes we would be able to schedule it for a vote by the House of Representatives soon. By allowing this to occur, I agree that the Committee on Science has not waived its jurisdiction over the measure, nor should this action be taken as precedent for other bills. In addition, in the unlikely event that a conference on H.R. 3929 becomes necessary, I would support the Committee on Science's request to be represented on that conference. Finally, I would be pleased to include this letter and your response in the bill report for H.R. 3929.

Thank you for your consideration of my request, and I look forward to seeing H.R. 3929 enacted soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON SCIENCE,
Washington, DC, December 8, 2005.

Hon. RICHARD POMBO,
*Chairman, Committee on Resources,
 Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to respond to your December 8, 2005 letter in which you requested that the Committee on Science agree to be discharged from further consideration of H.R. 3929, the Dana Point Desalination Project Authorization Act.

We appreciate your Committee's acknowledgement of Science Committee jurisdiction over this measure and your promise to support a Science Committee request to be represented on any House-Senate conference that may be convened on this measure and a corresponding Senate bill. Given your Committee's acknowledgement of our jurisdiction and in deference to your desire to bring this legislation before the House in an expeditious manner, I will not exercise this Committee's right to consider H.R. 3929.

Finally, I would appreciate if this exchange of letters could be included in the report for H.R. 3929.

Thank you for your consideration in this matter.
Sincerely,

SHERWOOD BOEHLERT,
Chairman.

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):

WATER DESALINATION ACT OF 1996

* * * * *

SEC. 10. DANA POINT DESALINATION RESEARCH AND FEASIBILITY RELATED COSTS.

(a) *AUTHORITY.*—*The Secretary may assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.*

(b) *FEDERAL SHARE.*—*Notwithstanding section 7, the Federal share of the costs for the project assisted under subsection (a) shall not exceed 25 percent of the total costs of the project.*

(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is hereby authorized to be appropriated to the Secretary \$2,500,000 to carry out this section.*

(d) *SUNSET.*—*The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.*