

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1145)
TO IMPLEMENT A NATIONAL WATER RESEARCH AND
DEVELOPMENT INITIATIVE, AND FOR OTHER PURPOSES

APRIL 22, 2009.—Referred to the House Calendar and ordered to be printed

Mr. ARCURI, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 352]

The Committee on Rules, having had under consideration House Resolution 352, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1145, the “National Water Research and Development Initiative Act of 2009,” under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology shall be considered as an original bill for the purpose of further amendment. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment are waived except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed, may be offered only by a Member designated, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, and shall

not be subject to amendment or demand for division of the question. The resolution waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against the bill's consideration (except those arising under clause 9 or 10 of rule XXI) includes a waiver of clause 4(a) of rule XIII (requiring a three-day layover of a committee report). Although the rule waives all points of order against the committee amendment in the nature of a substitute (except those arising under clause 10 of rule XXI), the Committee is not aware of any points of order. The waiver of points of order against the committee amendment in the nature of a substitute is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 59

Date: April 22, 2009.

Measure: H.R. 1145.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for the following amendments, to be separately considered, each debatable for 10 minutes equally divided: (1) Rep. Hastings, Doc (WA), #13, which would add to interagency committee duties an identification of agency barriers to new water storage; (2) Rep. Hastings, Doc (WA), #15, which would add to the water research and development plan improvement of hydropower generation technology to increase generation efficiency; (3) Rep. Linder, John (GA), #40, which would create a commission to develop a comprehensive water strategy to address America's long-term water needs. The commission is to be composed of nine members to be appointed by the President, the House Speaker, and the Senate Majority Leader; (4) Rep. Miller, Candice (MI), #30, which would prohibit consideration or promotion of policies that would undermine or interfere with the principles of the Great Lakes—St. Lawrence River Basin Water Resources Compact (Public Law 110–342); and (5) Rep. Roskam, Peter (IL), #36, which would strike the bill's authorization of funds. It also would terminate the provisions of the Act if the OMB Director determines that the Act has resulted in an increase in the expenditures of any Federal agency participating in the interagency committee.

Results: Defeated 2–7.

Vote by members: McGovern—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. Gordon (TN) Would require that the National Water Research Development Plan specified in the bill be revised and resubmitted to Congress every 4 years after its initial submission. Also, it would authorize appropriations of \$2 million for each of fiscal years 2013 and 2014. It also would (1) require review of measures related to abating water quality impairment, (2) require the committee to work with institutions of higher education, (3) require cooperation with commercial end users, (4) require relevant information be posted on a public website, and (5) require research into watershed hydrology. It would require that the plan include a focus on the (1) development of the effect of invasive species on water supplies, (2) development of technologies to treat eutrophic water bodies, (3) development of a program to assist state and local regions regarding land conservation, (4) improvement of understanding of chemical impairments to water supply and quality, and (5) identification of whether a need exists for additional water research facilities. It requires the Director of the Office of Science and Technology Policy to write to Congress and evaluate the budget as it relates to water research. It expresses the sense of Congress that the interagency committee should collaborate with public institutions of higher education. It requires the EPA to establish a pilot program exploring the use of energy audits of water-related infrastructure to identify energy and water saving opportunities. (40 minutes)

2. Kosmas (FL)/Driehaus (OH) Would direct agencies under the interagency committee to assess the impact of natural disasters, such as floods, hurricanes, and tornadoes on water resources. (10 minutes)

3. Hastings, Doc (WA) Would add to the water research and development plan an assessment of potential water storage projects that would enhance water supply, water planning, and other beneficial uses. (10 minutes)

4. Cardoza (CA) Would direct the Secretary of the Interior and the National Academy of Science to study the impact of changes to snow pack, including snow pack in the Sierra Nevadas, on water resources and its relation to water supply, including the Sacramento-San Joaquin Delta. (10 minutes)

5. Brown-Waite (FL) Would require agencies included in the interagency committee to work on improvement of understanding of water-intensive sectors of the economy and industrial needs for water. (10 minutes)

6. Arcuri, Michael (NY) Would require the plan to include improvement of understanding of competing water supply uses and how different uses interact with and impact each other. (10 minutes)

7. Kirk (IL)/Quigley, Mike (IL) Would add to the plan a direction that agencies included in the interagency committee work to achieve projection of the long-term ice cover and water level outlook for major water bodies in the United States, including the Great Lakes, the potential impacts of the results of such projections on infrastructure, and resource management options based on such projections. (10 minutes)

8. Teague, Harry (NM) Would require that the plan's analysis of the energy required to provide reliable water supplies and the

water required for the production of alternative and renewable energy resources. (10 minutes)

9. Roskam (IL) Would require GAO to study whether any of the requirements of the underlying legislation are duplicative of existing programs. Prior to implementation of the bill, the President will, based upon the GAO report, determine whether the programs are duplicative or not. If the President differs in his determination from the GAO conclusions, he must offer a justification for his determination. The effective date is delayed until the President has made that determination. (10 minutes)

10. Blumenauer (OR) Would create a wastewater and stormwater reuse and recycling technology demonstration program within the Environmental Protection Agency. Under the program, the Assistant Administrator for Research and Development would develop and fund projects to demonstrate, evaluate, and test the techniques and technologies to reuse and recycle stormwater and wastewater at the building, site, neighborhood, and watershed scales for urban, industrial, agricultural, environmental, and recreational uses as well as to augment potable water supplies. (10 minutes)

11. Shadegg (AZ) Would require the interagency committee to identify and recommend against duplication of Federal water-related research, development, and technological innovation activities by more than one agency or program. It also would require the President to ensure that Federal agencies do not request appropriations for activities duplicated by state, local, and tribal governments. (10 minutes)

12. Moore, Gwen (WI) Would require the interagency committee to assess the role of Federal water research funding in helping to develop the next generation of scientists and engineers at institutions of higher education. (10 minutes)

TEXT OF AMENDMENTS TO BE MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GORDON OF TENNESSEE, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

Page 2, line 10, strike “use,” and insert “use, quality,”.

Page 2, beginning on line 12, strike “efficiency and conservation” and insert “efficiency, conservation, and measures to abate water quality impairment”.

Page 2, line 24, strike “supply,” and insert “supply and water quality,”.

Page 3, line 20, strike “with” and insert “with institutions of higher education,”.

Page 3, line 22, strike “and” and insert “water resources managers, commercial end users, and”.

Page 4, after line 6, insert the following (and redesignate subsequent provisions accordingly):

(F) provide guidance on outreach to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that are located in an area affected by drought and encourage such institutions to apply for funding opportunities specified in the plan;

Page 5, line 13, strike “and others” and insert “public-private collaborations, commercial end users, and others”.

Page 5, line 16, strike “public” and insert “public, including through a publicly accessible website,”.

Page 7, line 10, strike “period” and insert “period as noticed on the Office’s website”.

Page 7, line 14, strike the period at the end and insert the following: “and revised and resubmitted every 4 years thereafter.”

Page 8, line 2, strike the period at the end and insert the following: “and technologies, including techniques and technologies that provide publicly generated data useful to water managers.”

Page 8, line 21, strike the period at the end and insert the following: “, including spatial and temporal variation in natural supply, watershed hydrology, human and ecological demand, and infrastructure.”

Page 9, after line 17, insert the following:

(15) Development of resources to investigate the effects of invasive species on water supplies.

(16) Development of technologies and practices to treat eutrophic water bodies, including rivers, estuaries, and coastal waters.

(17) Development of tools to assist local water resource managers in anticipating changing water availability and use patterns in the preparation of a strategic plan for sustainable future operations.

(18) Development of a program to offer technical and planning assistance to States, localities, and regions that use or are planning to use land conservation as a method to protect water quality, as well as an analysis of the impact of land conservation on watershed hydrology.

(19) Improvement of understanding of the impacts from chemical impairments, including contaminants of emerging concern, such as endocrine disrupting compounds, pharmaceuticals, and personal care products, on water supply and quality.

(20) Analyses of the Nation’s water research facilities and identification of whether a need exists for additional facilities.

Page 10, after line 5, insert the following:

(c) EVALUATION.—Not later than 30 days after the submission of the President’s annual budget request to Congress, the Director of the Office of Science and Technology Policy shall write a letter to Congress evaluating the budget as it relates to Federal water research and the success of the interagency committee in meeting the outcomes listed in section 2(d).

Page 10, line 7, strike “The” and insert the following:

(a) IN GENERAL.—The

Page 10, after line 9, insert the following:

(b) SENSE OF CONGRESS.—It is the sense of Congress that the interagency committee should collaborate with public institutions of higher education whenever possible.

Page 10, line 18, strike the period at the end and insert the following: “and the indicators used to measure such progress.”

Page 12, after line 6, insert the following (and redesignate subsequent provisions accordingly):

SEC. 8. WATER RESOURCE RESEARCH INSTITUTES.

(a) SUPPORT; COORDINATED PLAN.—Section 104(b) of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended—

(1) in paragraph (1), by striking “, and” at the end and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (2) the following:

“(3) support the goals of the National Water Research and Development Initiative; and

“(4) submit to the interagency committee under section 2(b) of the National Water Research and Development Initiative Act of 2009 a single, coordinated, annual report that identifies future water research needs.”.

(b) TYPES OF RESEARCH AND DEVELOPMENT.—Section 108 of such Act (42 U.S.C. 10307) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11) Technical research on prevention and removal of contaminants of emerging concern, including endocrine disrupting compounds, pharmaceuticals, and personal care products, in water resources.”.

SEC. 9. PILOT PROGRAM.

The Administrator of the Environmental Protection Agency shall establish a national pilot program exploring the use of energy audits of water related infrastructure to identify energy and water saving opportunities. As part of the program, each participating entity shall receive an Energy Star Benchmarking energy performance score to provide an initial screening of that entity, as well as an ongoing tracking measure to compare their energy performance against similar entities nationwide.

Page 12, line 13, strike “and” after the semicolon.

Page 12, line 14, strike the period at the end and insert a semicolon.

Page 12, after line 14, insert the following:

(4) \$2,000,000 for fiscal year 2013; and

(5) \$2,000,000 for fiscal year 2014

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KOSMAS OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

(15) Assessment of the impacts of natural disasters, including floods, hurricanes, and tornadoes, on water resources.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(d), add at the end the following new paragraph:

- (15) Assessment of potential water storage projects that would enhance water supply, water planning, and other beneficial uses.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARDOZA OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SEC. 9. STUDY.

Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences for a study on the impact of changes in snow pack, including snow pack from the Sierra Nevada, on water resources and its relation to water supply, including the Sacramento-San Joaquin Delta.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN-WAITE OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

- (15) Improvement of understanding of water-intensive sectors of the economy and industrial needs for water.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ARCURI OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

- (15) Improvement of understanding of competing water supply uses and how different uses interact with and impact each other.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

- (15) Projection of long-term ice cover and water level outlook for major water bodies in the United States, including the Great Lakes, the potential impacts of the results of such projections on infrastructure, and resource management options based on such projections.
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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TEAGUE OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 25, strike the period at the end and insert the following: “, including analyses of the amount, proximity, and type of water required for the production of alternative and renewable energy resources.”

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROSKAM OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SEC. 9. GAO STUDY AND EFFECTIVE DATE.

(a) **STUDY.**—The Government Accountability Office shall conduct a study, and prepare a report, on whether the requirements of this Act are duplicative of existing programs that provide for water research, development, demonstration, data collection and dissemination, education, and technology transfer activities regarding changes in water use, supply, and demand in the United States, including an analysis of the State Water Resources Research Institute Program (authorized by section 104 of the Water Resources Research Act of 1984, and organized as the National Institutes for Water Resources), the United States Global Change Research Program, and subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

(b) **PRESIDENTIAL DETERMINATION.**—

(1) **IN GENERAL.**—The President shall determine whether the contents of the report prepared under subsection (a)—

(A) support the implementation of sections 1 through 8 of this Act; or

(B) support a conclusion that such sections should not take effect.

(2) **JUSTIFICATION.**—If the President makes a determination under paragraph (1) that differs from the recommendations of the Government Accountability Office, the President shall provide a justification for the difference.

(c) **EFFECTIVE DATE.**—Sections 1 through 8 of this Act shall not take effect unless the President has made an affirmative determination under subsection (b)(1)(A).

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 7 the following (and redesignate subsequent provisions accordingly):

SEC. 8. WASTEWATER AND STORMWATER REUSE TECHNOLOGY DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—In consultation with the interagency committee, the Assistant Administrator for Research and Development at the Environmental Protection Agency shall establish a wastewater and stormwater reuse and recycling technology demonstration program, consistent with section 2(d)(3).

(b) **ACTIVITIES.**—Under the program established in subsection (a), the Assistant Administrator shall develop and fund projects to demonstrate, evaluate, and test the techniques and technologies to reuse and recycle stormwater and wastewater at the building, site, neighborhood, and watershed scales for urban, industrial, agricultural, environmental, and recreational uses as well as to augment potable water supplies.

11. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHADEGG OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 3, after line 17, insert the following (and correct sequential provision designations accordingly):

(D) identify Federal water-related research, development, and technological innovation activities that are duplicated by more than one Federal agency or program and make recommendations to the President on how to avoid such duplication;

Page 6, line 22, insert the following (and correct sequential provision designations accordingly):

(C) identify Federal water-related research, development, and technological innovation activities that are duplicative of such activities occurring at the State, local, and tribal government level;

Page 10, after line 5, insert the following:

(c) **ELIMINATION OF DUPLICATIVE EFFORTS.**—The President, in carrying out the activities under subsections (a) and (b), shall ensure that each Federal agency participating in the Initiative shall not request appropriations for activities identified under section 2(c)(2)(C).

12. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 4, line 11, strike “and”.

Page 4, line 24, strike the period at the end and insert “; and”.

Page 4, after line 24, insert the following:

(H) assess the role of Federal water research funding in helping to develop the next generation of scientists and engineers at institutions of higher education.