

**Statement of Grayford Payne,
Deputy Commissioner of Policy, Administration, and Budget
Bureau of Reclamation
U.S. Department of the Interior
Before the
Natural Resources Committee
Subcommittee on Water, Oceans and Wildlife
U.S. House of Representatives
on**

**H.R. 4891, the Western Water Security Act of 2019, H.R. 5316, the Move Water Now Act,
and H.R. 5347, the Disadvantaged Community Drinking Water Assistance Act.**

January 28, 2020

Chairman Huffman, Ranking Member McClintock, and members of the Subcommittee, I am Grayford Payne, Deputy Commissioner of Policy, Administration, and Budget for the Bureau of Reclamation within the Department of the Interior (Interior). Thank you for the opportunity to provide Interior's views on H.R. 4891, the Western Water Security Act of 2019, H.R. 5316, the Move Water Now Act, and H.R. 5347, the Disadvantaged Community Drinking Water Assistance Act.

H.R. 4891, the Western Water Security Act of 2019

The Western Water Security Act of 2019, introduced by Rep. Torres Small, would authorize funding for New Mexico and other Western states for research, technology and infrastructure in an effort to secure future water needs. The bill is broken up into three titles, infrastructure and water management improvement, groundwater management, and water conservation and environmental restoration. We have concerns regarding some of the details in the bill and, while we cannot support it as written, we are happy to work with the Committee and the sponsor of the bill on modifications that may facilitate implementation of the activities to be authorized by the bill.

Section 101 of H.R. 4891, entitled WaterSMART Extension and Expansion, would increase the appropriations ceiling in Section 9504(e) of the SECURE Water Act by \$170 million to \$650 million from \$480 million. It is important to note that the Further Consolidated Appropriations Act, 2020, signed into law Public Law 116-94 on December 20, 2019, had already increased the ceiling of Section 9504(e) to \$530 million.

Currently, eligibility for financial assistance for water management improvements under Section 9504(a) of the SECURE Water Act is limited to any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority. The Western Water Security Act, through Section 101, would expand the definition of eligible applicant to State, regional, or local authorities that include organizations with water or power delivery authority as members.

Occasionally, Reclamation receives applications for funding from a joint powers authority composed of water districts or other organizations with water delivery authority. The revision included in the bill would clarify that such joint powers authorities are eligible to apply directly for funding.

Section 101 of H.R. 4891, if enacted, would expand eligibility to also include nonprofit conservation organizations. Currently, nonprofit conservation organizations are not eligible to apply but may partner with eligible entities as those eligible entities seek funding to improve their infrastructure. Expanding eligibility to nonprofit conservation organizations could lead to unintended results and confusion over ownership and responsibilities for operation and maintenance of infrastructure that is modified pursuant to this provision. These organizations are, however, eligible and encouraged to directly apply for categories of WaterSMART funding that rely on other authorities, including the Cooperative Watershed Management Program and Applied Science Grants.

Section 102 of H.R. 4891, if enacted, would modify the existing authority for construction of desalination projects under section 4009(a) of the WIIN Act. Rural desalination projects are already eligible under the existing statute. This bill would amend the existing authority to highlight that desalination projects in rural areas are eligible to compete for funding. It would also create additional authority to provide cost share funding for appraisal and feasibility studies for rural desalination projects and a mechanism for the non-Federal cost share to be reduced for these projects. We would like to work with the sponsor and this Committee to address some questions and concerns we have regarding requirements for studies and construction of projects.

Sec. 103(a) would add financial assistance authority and a new appropriation ceiling for financial assistance under the Drought Act. Reclamation currently utilizes existing authorities under Sec. 9504 of the SECURE Water Act to provide financial assistance through the WaterSMART Drought Response Program for many of the project types identified in Sec. 103(a)(3). We believe that the new authority included in the bill is unnecessary. Furthermore, the Department recommends revising this section to require that applicants provide a non-Federal cost share, as now provided in the SECURE Water Act.

Currently, the authorities of Title I of the Drought Act expire on September 30, 2020. Sec. 103(c) would extend the authorities through September 30, 2030, extending the Drought Act by ten years. Extension of the authority would allow Reclamation to continue carrying out drought planning and emergency response actions under the existing program.

Section 201 under Title II of H.R. 4891 addresses the Transboundary Aquifer Assessment Program (TAAP). The Department believes that the bill's author has crafted this Section in such a manner so as to avoid any confusion or conflict with the Department's responsibilities for the management of the Colorado River.

The Department also supports the continued coordination with the International Boundary and Water Commission authorized in Public Law 109-448 and reauthorized by H.R. 4891. The Department considers the International Boundary and Water Commission a valued and essential partner on transboundary water management issues such as those covered by H.R. 4891.

Section 202 under Title II of H.R. 4891 could have potentially significant and unintended consequences for several Reclamation programs, including many of the WaterSMART programs, if enacted. Section 9504 of the SECURE Water Act is Reclamation's primary authority to fund water management improvements through financial assistance. Projects are carried out by not only irrigation and water districts but tribes, municipalities, municipal water agencies, and States. Reclamation is concerned that H.R. 4891 would unnecessarily restrict use of this authority. The Department believes the bill, if enacted as drafted, could inadvertently prevent Reclamation from assisting water managers with some water management improvements or discourage potential applicants from participating in existing programs.

Under current law, this section of the SECURE Water Act authorizes Reclamation to provide funding for planning, design, and construction of a broad range of water management improvements, including projects that conserve water, increase water efficiency, or facilitate water markets, among others, subject to cost-sharing and other statutory requirements

Section 203 would direct the United States Geological Survey to study impacts to water from energy development in the west. The Department has concerns regarding the energy nexus changes in the bill. USGS is currently working on a national model for unconventional oil and gas at a smaller scale and would prefer to work with the Committee and sponsors of the bill to address some of these concerns.

H.R. 5316, the Move Water Now Act

Section 2(a) of the Move Water Now Act (H.R. 5316), introduced by Rep. Cox, would authorize a total of \$200 million through fiscal year 2023 for repairs to eligible water conveyance projects in Reclamation states. The three-part eligibility requirements listed in Section 2(b) of the bill include repair activities that are "major, non-recurring of a mission critical asset"; projects where a loss of 50 percent or more of "designed carrying capacity along some portion of the facility" has occurred; and the additional water made available through the project would be used "primarily for groundwater recharge".

Section 3 of H.R. 5316 would authorize \$200 million in funding for the Restoration Goal of the settlement described in section 10004 of Public Law 111-11. It is unclear if the language amends Public Law 111-11 or provides new funding authority. Additional funding identified in Section 3 of H.R. 5316 would surpass funding identified as needed to complete Stage 1 and begin to fulfill additional obligations under the settlement.

With respect to the conveyance emphasis of H.R. 5316, the Department supports the intent of H.R. 5316 and has been working to address reductions in conveyance capacity due to subsidence and other factors which have impacted facilities of the Central Valley Project in California, such as the Delta-Mendota Canal and the Friant Kern Canal. The language of H.R. 5316 is very specifically targeted to this subset of Reclamation facilities (canals with a specific conveyance limitation and nexus to groundwater recharge), and the bill's funding is specifically authorized for the period between 2020 to 2023.

The Department supports the objective of addressing water conveyance constraints; however, we have concerns with the specificity of some of the language in the bill as written. The Department would like to continue working with the Committee and the sponsor of the bill to ensure it will accomplish its intended goals.

H.R. 5347, the Disadvantaged Community Drinking Water Assistance Act

The Disadvantaged Community Drinking Water Assistance Act introduced by Rep. Cox would establish a grant program within the Department to provide safe drinking water to communities throughout California and the United States that have experienced a significant decline in the quantity or quality of drinking water. The Department appreciates the intent of H.R.5347, and recognizes the importance of safe drinking water; several individual Reclamation projects list drinking water as an authorized purpose.

However, we believe the bill's language as introduced overlaps with the Environmental Protection Agency's existing Small and Disadvantaged Communities Drinking Water Grant Program and would be duplicative of their efforts. In addition, new language on populations of defined rural communities differs from other Reclamation authorizations, which could complicate implementation.

As defined in the Water Infrastructure Improvements for the Nation Act of 2016 (Public Law 114-322), the focus of the EPA's grant program is to help public water systems meet public health requirements. Most of the projects eligible for funding under H.R. 5347 are eligible projects under the EPA's program. Additionally, there is also some overlap between the types of projects funded under Reclamation's existing Drought Response Program, but many of the project types described in this bill are outside the scope of current programs or authorities. If we could work with the bill sponsor on refining the language, we believe we could design a program in a way that is complementary to the existing Drought Response Program.

Conclusion

Reclamation and Interior recognize the need for more reliable water supplies and quality drinking water. We are happy to continue working with the Committee and these bills' sponsors on the water supply goals of today's legislation. I thank you again for the opportunity to testify and will be happy to answer any questions.