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SENATE

{ REPORT
{ 113-142

GRASSROOTS RURAL AND SMALL COMMUNITY WATER SYSTEMS ASSISTANCE ACT

APRIL 1, 2014.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany S. 864]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 864) to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

S. 864 reauthorizes section 1442 (e) of the Safe Drinking Water Act (SDWA), which was enacted as part of 1996 amendments to the SDWA. The program provides funding to third-party organizations that carry out on-site training and technical assistance for small public water systems to help such systems achieve and maintain compliance with the SDWA.

The bill provides additional criteria for selecting organizations to receive funding to ensure that resources are targeted to the most effective organizations that are most beneficial for small and rural communities.

The bill reauthorizes the program through fiscal year 2019.

OBJECTIVES OF THE LEGISLATION

The Grassroots Rural and Small Community Water Systems Assistance Act reauthorizes a Safe Drinking Water Act program to provide technical assistance to small public water systems.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the Act may be cited as the Grassroots Rural and Small Community Water Systems Assistance Act”.

Section 2. Findings

Section 2 establishes findings related to the Safe Drinking Water Act’s technical assistance program.

Section 3. Sense of Congress

Section 3 states that it is the sense of Congress that the Environmental Protection Agency should prioritize technical assistance that is most beneficial to communities being served and that local support is key to successful assistance.

Section 4. Funding priorities

Section 4 amends section 1442 (e) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)).

Paragraph (2) extends the authorization of appropriations through fiscal year 2019.

Paragraph (3) authorizes the Administrator to provide grants or cooperative agreements to nonprofit organizations to provide assistance to small public water systems. Preference is given to organizations that are the most qualified and experienced in providing training and technical assistance to small public water systems and that small community water systems in the State find to be the most beneficial and effective.

Paragraph (3) prohibits the use of funds for litigation pursuant to section 1449.

LEGISLATIVE HISTORY

S. 864 was introduced by Sen. Wicker along with 15 cosponsors on May 6, 2013. The Committee on Environment and Public Works met to consider S. 864 on February 6, 2014. An amendment in the nature of a substitute was offered by Senator Boxer and Vitter and was adopted by voice vote. The amendment clarified the types of organizations that are eligible to receive funding, modified the criteria for awarding grants and cooperative agreements, and clarified that funding cannot be used for litigation purposes. The bill, as amended, was approved by voice vote.

HEARINGS

No committee hearings were held on S. 864.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 864 on February 6, 2014. An amendment in the nature of a substitute was adopted by voice vote. The bill was ordered favorably reported, as amendment, by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 864 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee notes that the Congressional Budget Office found that, “S. 864 contains no intergovernmental or private-sector mandates as defined in UMRA.”

FEBRUARY 12, 2014.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 864, the Grassroots Rural and Small Community Water Systems Assistance Act.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 864—Grassroots Rural and Small Community Water Systems Assistance Act

Summary: S. 864 would authorize the appropriation of \$15 million annually over the 2015–2019 period for the Environmental Protection Agency’s program that provides technical assistance to small public water systems. The authorization for this program expired in 2003. CBO estimates that implementing S. 864 would cost \$67 million over the next five years, assuming appropriation of the authorized amounts. Pay-as-you-go procedures do not apply to S. 864 because it would not affect direct spending or revenues.

S. 864 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 864 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2015	2016	2017	2018	2019	2015–2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	15	15	15	15	15	75
Estimated Outlays	8	14	15	15	15	67

Basis of estimate: For this estimate, CBO assumes that S. 864 will be enacted by the end of fiscal year 2014, that the specified amounts will be appropriated in each year starting in 2015, and that outlays will follow historical spending patterns for the technical assistance program. The legislation would authorize funding

for nonprofit organizations to help small public water systems achieve and maintain compliance with national regulations and to support training and engineering evaluations of those water systems.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: S. 864 contains no intergovernmental or private-sector mandates as defined in UMRA. Activities authorized in the bill would assist public water systems to comply with national standards for primary drinking water.

Estimate prepared by: Federal costs: Susanne S. Mehlman; Impact on state, local, and tribal governments: Lisa Ramirez-Branum; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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 italic, existing law in which no change is proposed is shown in roman:

SAFE DRINKING WATER ACT

* * * * *

SEC. 1400. This title may be cited as the “Safe Drinking Water Act”.

* * * * *

SEC. 1442. (a)(1) The Administrator may conduct research, studies, and demonstrations relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments of man resulting directly or indirectly from contaminants in water, or to the provision of a dependably safe supply of drinking water, including—

(A) * * *

* * * * *

(e) TECHNICAL ASSISTANCE.—

(1) The Administrator may provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with applicable national primary drinking water regulations.

(2) Such assistance may include circuit-rider and multi-State regional technical assistance programs, training, and preliminary engineering evaluations.

(3) The Administrator shall ensure that technical assistance pursuant to this subsection is available in each State.

(4) Each nonprofit organization receiving assistance under this subsection shall consult with the State in which the assistance is to be expended or otherwise made available before using assistance to undertake activities to carry out this subsection.

(5) There are authorized to be appropriated to the Administrator to be used for such technical assistance \$15,000,000 for

each of the fiscal years **[1997 through 2003]** *2014 through 2019*.

(6) No portion of any State loan fund established under section 1452 (relating to State loan funds) and no portion of any funds made available under this subsection may be used for lobbying expenses.

(7) Of the total amount appropriated under this subsection, 3 percent shall be used for technical assistance to public water systems owned or operated by Indian Tribes.

(8) *NONPROFIT ORGANIZATIONS.—*

(A) IN GENERAL.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to nonprofit organizations that provide to small public water systems onsite technical assistance, circuit-rider technical assistance programs, multistate, regional technical assistance programs, onsite and regional training, assistance with implementing source water protection plans, and assistance with implementing monitoring plans, rules, regulations, and water security enhancements.

(B) PREFERENCE.—To ensure that technical assistance funding is used in a manner that is most beneficial to the small and rural communities of a State, the Administrator shall give preference under this paragraph to nonprofit organizations that, as determined by the Administrator, are the most qualified and experienced in providing training and technical assistance to small public water systems and that the small community water systems in that State find to be the most beneficial and effective.

(C) LIMITATION.—No grant or cooperative agreement provided or otherwise made available under this section may be used for litigation pursuant to section 1449.