

110TH CONGRESS
1ST SESSION

H. R. 902

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2007

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To facilitate the use for irrigation and other purposes of
water produced in connection with development of energy
resources.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “More Water and More Energy Act of 2007”.

4 (b) **FINDINGS.**—The Congress finds the following:

5 (1) Development of energy resources, including
6 oil, natural gas, coalbed methane, and geothermal
7 resources, frequently results in bringing to the sur-
8 face water extracted from underground sources.

9 (2) Some of this produced water is used for ir-
10 rigation or other purposes, but most of it is returned
11 to the subsurface.

12 (3) Reducing the amount of produced water re-
13 turned to the subsurface, and increasing the amount
14 that is made available for irrigation and other
15 uses—

16 (A) would augment water supplies;

17 (B) could reduce the costs to energy devel-
18 opers for disposing of such water; and

19 (C) in some instances could increase the
20 efficiency of energy development activities.

21 (4) It is in the national interest to remove or
22 reduce obstacles to use of produced water for irriga-
23 tion or other purposes in ways that will not ad-
24 versely affect water quality or the environment.

25 (c) **PURPOSE.**—The purpose of this Act is to facili-
26 tate the use of produced water for irrigation and other

1 purposes without adversely affecting water quality or the
2 environment, and to demonstrate ways to accomplish that
3 result.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) PRODUCED WATER.—The term “produced
7 water” means water from an underground source,
8 that is brought to the surface as part of the process
9 of exploration for or development of oil, natural gas,
10 coalbed methane, or any other substance to be used
11 as an energy source.

12 (2) SECRETARY.—The term “the Secretary”
13 means the Secretary of the Interior.

14 (3) UPPER BASIN STATES.—The term “Upper
15 Basin States” means the States of Colorado, New
16 Mexico, Utah, and Wyoming.

17 (4) LOWER BASIN STATES.—The term “Lower
18 Basin States” means the States of Arizona, Cali-
19 fornia, and Nevada.

20 **SEC. 3. IDENTIFICATION OF PROBLEMS AND SOLUTIONS.**

21 (a) STUDY.—The Secretary, acting through the Com-
22 missioner of Reclamation and the Director of the United
23 States Geological Survey, shall conduct a study to iden-
24 tify—

1 (1) the technical, economic, environmental,
2 legal, and other obstacles to increasing the extent to
3 which produced water can be used for irrigation and
4 other purposes without adversely affecting water
5 quality or the environment; and

6 (2) the legislative, administrative, and other ac-
7 tions that could reduce or eliminate such obstacles.

8 (b) REPORT.—Not later than one year after the date
9 of the enactment of this Act, the Secretary shall report
10 to the Committee on Resources of the House of Represent-
11 atives and the Committee on Energy and Natural Re-
12 sources of the Senate regarding the results of the study
13 required by this section.

14 **SEC. 4. IMPLEMENTATION.**

15 (a) GRANTS.—Within existing authorities and subject
16 to the availability of funds appropriated for the purpose,
17 the Secretary shall provide financial assistance for the de-
18 velopment of facilities to demonstrate the feasibility, effec-
19 tiveness, and safety of processes to increase the extent to
20 which produced water may be recovered and made suitable
21 for use for irrigation, municipal or industrial uses, or
22 other purposes without adversely affecting water quality
23 or the environment.

24 (b) LIMITATIONS.—Assistance under this section—

25 (1) shall be provided for—

1 (A) at least one project in one of the
2 Upper Basin States other than New Mexico;

3 (B) at least one project in either New Mex-
4 ico or one of the Lower Basin States other than
5 California;

6 (C) at least one project in California; and

7 (D) at least one project in Texas;

8 (2) shall not exceed \$1,000,000 for any project;

9 (3) shall be used to pay not more than 50 per-
10 cent of the total cost of a project;

11 (4) shall not be used for operation or mainte-
12 nance of any facility; and

13 (5) may be in addition to assistance provided by
14 the United States pursuant to other provisions of
15 law.

16 **SEC. 5. CONSULTATION, ADVICE, AND COMMENTS.**

17 In implementing this Act, including preparation of
18 the report required by section 3 and the establishment of
19 criteria to be used in connection with award of financial
20 assistance pursuant to section 4, the Secretary shall—

21 (1) consult with the Secretary of Energy, the
22 Administrator of the Environmental Protection
23 Agency, and appropriate Governors and local offi-
24 cials;

1 (2) review any relevant information developed
2 in connection with research carried out by others, in-
3 cluding research carried out pursuant to section 999
4 of Public Law 109–58, and to the extent the Sec-
5 retary considers advisable include such information
6 in the report required by section 3;

7 (3) seek the advice of individuals with relevant
8 professional or academic expertise and of companies
9 or individuals with industrial experience, particularly
10 experience related to production of oil, natural gas,
11 or other energy resources, including geothermal re-
12 sources; and

13 (4) solicit comments and suggestions from the
14 public.

15 **SEC. 6. RELATION TO OTHER LAWS.**

16 Nothing in this Act shall be construed as super-
17 seding, modifying, abrogating, or limiting—

18 (1) the effect of any State law or any interstate
19 authority or compact with regard to any use of
20 water or the regulation of water quantity or quality;
21 or

22 (2) the applicability or effect of any Federal law
23 or regulation.

24 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

25 There are authorized to be appropriated—

- 1 (1) \$1,000,000 to implement section 3; and
- 2 (2) \$5,000,000 to implement section 4.

Passed the House of Representatives March 19,
2007.

Attest: LORRAINE C. MILLER,
Clerk.