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S. 617

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1994

Referred jointly to the Committees on Natural Resources, Science, Space, and
Technology, and Public Works and Transportation

AN ACT

To authorize research into the desalinization of water and water reuse and to authorize a program for States, cities, or any qualifying agency which desires to own and operate a desalinization or water reuse facility to develop such facilities.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Desalinization Re-
5 search and Development Act of 1994”.

1 **SEC. 2. DECLARATION OF POLICY.**

2 In view of the increasing shortage of usable surface
3 and ground water in many parts of the United States and
4 the world, it is the policy of the United States to perform
5 research to develop low-cost alternatives in the desaliniza-
6 tion and reuse of saline or biologically impaired water to
7 provide water of a quality suitable for environmental en-
8 hancement, agricultural, industrial, municipal, and other
9 beneficial consumptive or nonconsumptive uses, and to
10 provide, through cooperative activities with local sponsors,
11 desalinization and water reuse processes or facilities which
12 provide proof-of-concept demonstrations of advanced tech-
13 nologies for the purpose of developing and conserving the
14 water resources of this Nation and the world.

15 **SEC. 3. DEFINITIONS.**

16 As used in this Act—

17 (1) the term “desalinization” means the use of
18 any process or technique for the removal and, when
19 feasible, adaptation to beneficial use, of organic and
20 inorganic elements and compounds from saline or
21 biologically impaired waters, by itself or in conjunc-
22 tion with other processes;

23 (2) the term “saline water” means sea water,
24 brackish water, and other mineralized or chemically
25 impaired water;

1 (3) the term “United States” means the States
2 of the United States, the District of Columbia, the
3 Commonwealth of Puerto Rico, and the territories
4 and possessions of the United States;

5 (4) the term “usable water” means water of a
6 high quality suitable for environmental enhance-
7 ment, agricultural, industrial, municipal, and other
8 beneficial consumptive or nonconsumptive uses; and

9 (5) the term “sponsor” means any local, State,
10 or interstate agency responsible for the sale and de-
11 livery of usable water that has the legal and finan-
12 cial authority and capability to provide the financial
13 and real property requirements needed for a desalin-
14 ization facility.

15 **SEC. 4. RESPONSIBILITY FOR THE PROGRAM.**

16 (a) RESEARCH AND DEVELOPMENT.—The Secretary
17 of the Interior shall have primary program management
18 and oversight for conduct of the research and development
19 under this Act and shall coordinate these activities with
20 the Secretary of the Army.

21 (b) DESALINIZATION DEVELOPMENT PROGRAM.—
22 The Secretary of the Interior shall jointly execute the De-
23 salinization Development Program established under sec-
24 tion 6 with the Secretary of the Army.

1 **SEC. 5. RESEARCH AND DEVELOPMENT.**

2 (a) IN GENERAL.—In order to gain basic knowledge
3 concerning the most efficient means by which usable water
4 can be produced from saline water, the Secretary of the
5 Interior and the Secretary of the Army shall conduct a
6 basic research and development program as established by
7 this Act.

8 (b) CONTENTS OF PROGRAM.—For the basic research
9 and development program, the Secretary of the Interior
10 and the Secretary of the Army shall—

11 (1) conduct, encourage, and promote fundamen-
12 tal scientific research and basic studies to develop
13 the best and most economical processes and methods
14 for converting saline water into usable water
15 through research grants and contracts—

16 (A) to conduct research and technical de-
17 velopment work,

18 (B) to make studies in order to ascertain
19 the optimum mix of investment and operating
20 costs,

21 (C) to determine the best designs for dif-
22 ferent conditions of operation, and

23 (D) to investigate increasing the economic
24 efficiency of desalinization processes by using
25 them as dual-purpose co-facilities with other
26 processes involving the use of water;

1 (2) engage, by competitive or noncompetitive
2 contract or any other means, necessary personnel,
3 industrial or engineering firms, Federal laboratories
4 and other facilities, and educational institutions suit-
5 able to conduct research or other work;

6 (3) study methods for the recovery of byprod-
7 ucts resulting from the desalinization of water to
8 offset the costs of treatment and to reduce the envi-
9 ronmental impact from those byproducts; and

10 (4) prepare a management plan for conduct of
11 the research and development program established
12 under this section.

13 **SEC. 6. DESALINIZATION DEVELOPMENT PROGRAM.**

14 (a) PROGRAM RESPONSIBILITY.—The Secretary of
15 the Interior shall have program responsibility for the De-
16 salinization Development Program established under this
17 section (referred to in this section as the “Desalinization
18 Development Program”).

19 (b) DESIGN AND CONSTRUCTION.—The Secretary of
20 the Army and the Secretary of the Interior both shall have
21 authority to design and construct facilities under the De-
22 salinization Development Program.

23 (c) SELECTION OF DESALINIZATION DEVELOPMENT
24 FACILITIES.—Candidate facilities shall be submitted by
25 the sponsor directly to the Secretary of the Army or the

1 Secretary of the Interior. Sponsors shall submit their ap-
2 plication for the design and construction of a facility and
3 certification that they can provide the required cost shar-
4 ing. Facilities shall be selected subject to availability of
5 Federal funds.

6 (d) COST SHARING.—

7 (1) INITIAL COST.—The initial cost of a facility
8 shall include—

9 (A) design cost,

10 (B) construction cost,

11 (C) lands, easements, and rights-of-way
12 costs, and

13 (D) relocation costs.

14 (2) GENERAL RULE.—The sponsor for a facility
15 under the Desalinization Development Program shall
16 pay, during construction, at least 25 percent of the
17 initial cost of the facility, including providing all
18 lands, easements, and rights-of-way and performing
19 all related necessary relocations.

20 (3) 25-PERCENT MINIMUM CONTRIBUTION.—If
21 the value of the contributions required under para-
22 graph (2) of this subsection is less than 25 percent
23 of the initial cost of the facility, the sponsor shall
24 pay during construction of the facility such addi-
25 tional amounts as are necessary so that the total

1 contribution of the sponsor is equal to 25 percent of
2 the initial cost of the facility.

3 (4) 50-PERCENT MAXIMUM.—The sponsor share
4 under paragraph (2) shall not exceed 50 percent of
5 the initial cost of the facility.

6 (e) MAXIMUM INITIAL COST.—The initial cost of a
7 facility under subsection (d)(1) may not exceed
8 \$10,000,000.

9 (f) OPERATION AND MAINTENANCE.—Operation,
10 maintenance, repair, and rehabilitation of facilities shall
11 be the responsibility of the sponsor.

12 (g) REVENUE.—All revenue generated from the sale
13 of usable water from the facilities shall be retained by the
14 sponsors.

15 **SEC. 7. PARTICIPATION BY INTERESTED AGENCIES AND**
16 **OTHER PERSONS.**

17 (a) COORDINATION WITH OTHER AGENCIES.—

18 (1) IN GENERAL.—Research and development
19 activities undertaken by the Secretary of the Interior
20 under this Act shall be coordinated or conducted
21 jointly, as appropriate—

22 (A) with the Department of Commerce,
23 specifically with respect to marketing and inter-
24 national competition, and

25 (B) with—

1 (i) the Departments of Defense, Agri-
2 culture, State, Health and Human Serv-
3 ices, and Energy,

4 (ii) the Environmental Protection
5 Agency,

6 (iii) the Agency for International De-
7 velopment, and

8 (iv) other concerned Government and
9 private entities.

10 (2) OTHER AGENCIES.—Other interested agen-
11 cies may furnish appropriate resources to the Sec-
12 retary of the Interior to further the activities in
13 which they are interested.

14 (b) AVAILABILITY OF RESEARCH.—All research
15 sponsored or funded under authority of this Act shall be
16 provided in such manner that information, products, proc-
17 esses, and other developments resulting from Federal ex-
18 penditures or authorities shall (with exceptions necessary
19 for national defense and the protection of patent rights)
20 be available to the general public consistent with this Act.

21 (c) RELATIONSHIP TO ANTITRUST LAWS.—Section
22 10 of the Federal Nonnuclear Energy Research and Devel-
23 opment Act of 1974 (42 U.S.C. 5909) shall apply to the
24 activities of individuals, corporations, and other business

1 organizations in connection with grants and contracts
2 made by the Secretary of the Interior pursuant to this Act.

3 **SEC. 8. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.**

4 The Secretary of the Interior is authorized to accept
5 technical and administrative assistance from a State, pub-
6 lic, or private agency in connection with research and de-
7 velopment activities relating to desalinization of water and
8 may enter into contracts or agreements stating the pur-
9 pose for which the assistance is contributed and, in appro-
10 priate circumstances, providing for the sharing of costs be-
11 tween the Secretary of the Interior and such agency.

12 **SEC. 9. MISCELLANEOUS AUTHORITIES.**

13 In carrying out this Act, the Secretary of the Interior
14 or the Secretary of the Army, as appropriate, may—

15 (1) make grants to educational and scientific
16 institutions;

17 (2) contract with educational and scientific in-
18 stitutions and engineering and industrial firms;

19 (3) engage, by competition or noncompetitive
20 contract or any other means, necessary personnel,
21 industrial and engineering firms and educational in-
22 stitutions;

23 (4) use the facilities and personnel of Federal,
24 State, municipal, and private scientific laboratories;

1 (5) contract for or establish and operate facili-
2 ties and tests to conduct research, testing, and de-
3 velopment necessary for the purposes of this Act;

4 (6) acquire processes, data, inventions, patent
5 applications, patents, licenses, lands, interests in
6 lands and water, facilities, and other property by
7 purchase, license, lease, or donation;

8 (7) assemble and maintain domestic and foreign
9 scientific literature and issue pertinent biblio-
10 graphical data;

11 (8) conduct inspections and evaluations of do-
12 mestic and foreign facilities and cooperate and par-
13 ticipate in their development;

14 (9) conduct and participate in regional, na-
15 tional, and international conferences relating to the
16 desalinization of water;

17 (10) coordinate, correlate, and publish informa-
18 tion which will advance the development of the desa-
19 linization of water; and

20 (11) cooperate with Federal, State, and munici-
21 pal departments, agencies and instrumentalities, and
22 with private persons, firms, educational institutions,
23 and other organizations, including foreign govern-
24 ments, departments, agencies, companies, and in-

1 strumentalities, in effectuating the purposes of this
2 Act.

3 **SEC. 10. DESALINIZATION CONFERENCE.**

4 (a) ESTABLISHMENT.—The President shall instruct
5 the Agency for International Development to sponsor an
6 international desalinization conference within twelve
7 months following the date of the enactment of this Act.
8 Participants in such conference should include scientists,
9 private industry experts, desalinization experts and opera-
10 tors, government officials from the nations that use and
11 conduct research on desalinization, and those from nations
12 that could benefit from low-cost desalinization technology,
13 particularly in the developing world, and international fi-
14 nancial institutions.

15 (b) PURPOSE.—The conference established in sub-
16 section (a) shall explore promising new technologies and
17 methods to make affordable desalinization a reality in the
18 near term, and shall further propose a research agenda
19 and a plan of action to guide longer-term development of
20 practical desalinization applications.

21 (c) FUNDING.—Funding for the international desa-
22 linization conference may come from operating or program
23 funds of the Agency for International Development. The
24 Agency for International Development shall encourage fi-
25 nancial and other support from other nations, including

1 those that have desalinization technology and those that
2 might benefit from it.

3 **SEC. 11. REPORTS.**

4 Prior to the expiration of the twelve-month period fol-
5 lowing the date of enactment of this Act, and each twelve-
6 month period thereafter, the Secretary of the Interior, in
7 consultation with the Secretary of the Army, shall prepare
8 a report to the President and Congress concerning the ad-
9 ministration of this Act. Such report shall include the ac-
10 tions taken by the Secretary of the Interior and the Sec-
11 retary of the Army during the calendar year preceding the
12 calendar year in which such report is filed, and shall in-
13 clude actions planned for the next following calendar year.

14 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) RESEARCH AND DEVELOPMENT.—There are au-
16 thorized to be appropriated to carry out section 5
17 \$5,000,000 for fiscal year 1995, \$10,000,000 for fiscal
18 year 1996, and such sums as may be necessary for each
19 of fiscal years 1997 through 1999.

20 (b) DESALINIZATION DEVELOPMENT PROGRAM.—
21 There are authorized to be appropriated to carry out sec-
22 tion 6 such sums as may be necessary, up to a total of
23 \$50,000,000, for fiscal years 1995 through 1999. Funds
24 made available under this subsection shall be made avail-
25 able in equal amounts to the Department of the Interior

1 and the civil works program of the Army Corps of Engi-
2 neers.

Passed the Senate August 4 (legislative day, July
20), 1994.

Attest:

MARTHA S. POPE,

Secretary.