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1ST SESSION

S. 811

To authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17 (legislative day, MAY 15), 1995

Mr. SIMON (for himself, Mr. REID, Mr. MOYNIHAN, Mr. BROWN, Mr. BRYAN, Mr. CAMPBELL, Mr. MACK, Mr. GRAHAM, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. ROBB) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes.

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 “Water Desalinization
5 Research and Development Act of 1995”.

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—

5 (1) perform research to develop low-cost alter-
6 natives for desalinization of saline water and rec-
7 lamation of nonusable nonsaline water to provide
8 water of a quality suitable for environmental en-
9 hancement, agricultural, industrial, municipal, and
10 other beneficial consumptive or nonconsumptive
11 uses; and

12 (2) provide, through cooperative activities with
13 local sponsors, desalinization and water reclamation
14 processes and facilities that provide proof-of-concept
15 demonstrations of advanced technologies for the pur-
16 pose of developing and conserving the water re-
17 sources of this Nation and the world.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) DESALINIZATION.—The term “desaliniza-
21 tion” means the use of any process or technique (by
22 itself or in conjunction with other processes or tech-
23 niques) for the removal and, when feasible, adapta-
24 tion to beneficial use, of organic and inorganic ele-
25 ments and compounds from saline water.

1 (2) NONUSABLE NONSALINE WATER.—The
2 term “nonusable nonsaline water” that is not saline
3 water but, because it contains biological or other im-
4 purities, is not usable water.

5 (3) RECLAMATION.—The term “reclamation”
6 means the use of any process or techniques (by itself
7 or in conjunction with other processes or techniques)
8 for the removal and, when feasible, adaptation to
9 beneficial use, of organic and inorganic elements and
10 compounds from nonusable nonsaline water.

11 (4) SALINE WATER.—The term “saline water”
12 means sea water, brackish water, and other mineral-
13 ized or chemically impaired water.

14 (5) SPONSOR.—The term “sponsor” means a
15 local, State, or interstate agency responsible for the
16 sale and delivery of usable water that has the legal
17 and financial authority and capability to provide the
18 financial and real property requirements needed for
19 a desalinization or reclamation facility.

20 (6) UNITED STATES.—The term “United
21 States” means the States of the United States, the
22 District of Columbia, the Commonwealth of Puerto
23 Rico, and the territories and possessions of the
24 United States.

1 (7) USABLE WATER.—The term “usable water”
2 means water of a high quality suitable for environ-
3 mental enhancement, agricultural, industrial, munic-
4 ipal, and other beneficial consumptive or
5 nonconsumptive uses.

6 **SEC. 4. RESEARCH AND DEVELOPMENT.**

7 (a) IN GENERAL.—In order to gain basic knowledge
8 concerning the most efficient means by which usable water
9 can be produced from saline or nonusable nonsaline water,
10 the Secretary of the Interior, in consultation with the Sec-
11 retary of the Army, shall conduct a basic research and
12 development program under this section.

13 (b) CONTENTS OF PROGRAM.—For the basic research
14 and development program, the Secretary of the Interior
15 shall—

16 (1) conduct, encourage, and promote fundamen-
17 tal scientific research and basic studies to develop
18 the best and most economical processes and methods
19 for converting saline water and nonusable nonsaline
20 water into usable water through research grants and
21 contracts—

22 (A) to conduct research and technical de-
23 velopment work;

1 (B) to make studies in order to ascertain
2 the optimum mix of investment and operating
3 costs;

4 (C) to determine the best designs for dif-
5 ferent conditions of operation; and

6 (D) to investigate increasing the economic
7 efficiency of desalinization or reclamation proc-
8 esses by using the processes as dual-purpose co-
9 facilities with other processes involving the use
10 of water;

11 (2) study methods for the recovery of byprod-
12 ucts resulting from the desalinization or reclamation
13 of water to offset the costs of treatment and to re-
14 duce the environmental impact from those byprod-
15 ucts; and

16 (3) prepare a management plan for conduct of
17 the research and development program established
18 under this section.

19 (c) COORDINATION WITH OTHER AGENCIES.—

20 (1) IN GENERAL.—The Secretary of the Inte-
21 rior shall conduct activities under this section in co-
22 ordination with—

23 (A) the Department of Commerce, specifi-
24 cally with respect to marketing and inter-
25 national competition; and

1 (B)(i) the Departments of Defense, Agri-
2 culture, State, Health and Human Services,
3 and Energy;

4 (ii) the Environmental Protection Agency;

5 (iii) the Agency for International Develop-
6 ment; and

7 (iv) other concerned public and private en-
8 tities.

9 (2) OTHER AGENCIES.—In addition to the
10 agencies identified in paragraph (1), other interested
11 agencies may furnish appropriate resources to the
12 Secretary of the Interior to further the activities in
13 which such other agencies are interested.

14 (d) AVAILABILITY OF RESEARCH.—All research
15 sponsored or funded under this section shall be carried
16 out in such a 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.

21 (e) 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 persons in connection with grants and con-

1 tracts made by the Secretary of the Interior under this
2 section.

3 **SEC. 5. DESALINIZATION DEVELOPMENT PROGRAM.**

4 (a) IN GENERAL.—The Secretary of the Interior and
5 the Secretary of the Army shall jointly—

6 (1) conduct a desalinization development pro-
7 gram; and

8 (2) in connection with the program, design and
9 construct desalination facilities.

10 (b) SELECTION OF DESALINIZATION DEVELOPMENT
11 FACILITIES.—

12 (1) APPLICATION.—A sponsor shall submit to
13 the Secretary of the Interior and Secretary of the
14 Army an application for the design and construction
15 of a facility and certification that the sponsor will
16 provide the required cost sharing.

17 (2) SELECTION.—Facilities shall be selected
18 subject to availability of Federal funds.

19 (c) COST SHARING.—

20 (1) INITIAL COST.—The initial cost of a facility
21 shall include—

22 (A) design costs;

23 (B) construction costs;

24 (C) lands, easements, and rights-of-way
25 costs; and

1 (D) relocation costs.

2 (2) MINIMUM SPONSOR SHARE.—The sponsor
3 for a facility under the desalinization development
4 program shall pay, during construction, at least 25
5 percent of the initial cost of the facility, including
6 providing all lands, easements, and rights-of-way
7 and performing all related necessary relocations.

8 (3) MAXIMUM FEDERAL SHARE.—The Sec-
9 retary of the Interior and Secretary of the Army
10 shall pay not more than \$10,000,000 of the initial
11 cost of a facility.

12 (d) OPERATION AND MAINTENANCE.—Operation,
13 maintenance, repair, and rehabilitation of a desalinization
14 facility shall be the responsibility of the sponsor of the
15 facility.

16 (e) REVENUE.—All revenue generated from the sale
17 of usable water from a desalinization facility shall be re-
18 tained by the sponsor of the facility.

19 **SEC. 6. MISCELLANEOUS AUTHORITIES.**

20 In carrying out sections 5 and 6, the Secretary of
21 the Interior and the Secretary of the Army may—

22 (1) accept technical and administrative assist-
23 ance from a State or other public entities and from
24 private persons in connection with research and de-

1 velopment activities relating to desalinization and
2 reclamation of water;

3 (2) enter into contracts or agreements stating
4 the purpose for which the assistance is contributed
5 and, in appropriate circumstances, providing for the
6 sharing of costs between the Secretary and such en-
7 tities or persons;

8 (3) make grants to educational and scientific
9 institutions;

10 (4) contract with educational and scientific in-
11 stitutions and engineering and industrial firms;

12 (5) by competition or noncompetitive contract
13 or any other means, engage the services of necessary
14 personnel, industrial and engineering firms, and edu-
15 cational institutions;

16 (6) use the facilities and personnel of Federal,
17 State, municipal, and private scientific laboratories;

18 (7) contract for or establish and operate facili-
19 ties and tests to conduct research, testing, and de-
20 velopment necessary for the purposes of this Act;

21 (8) acquire processes, data, inventions, patent
22 applications, patents, licenses, lands, interests in
23 lands and water, facilities, and other property by
24 purchase, license, lease, or donation;

1 (9) assemble and maintain domestic and foreign
2 scientific literature and issue pertinent biblio-
3 graphical data;

4 (10) conduct inspections and evaluations of do-
5 mestic and foreign facilities and cooperate and par-
6 ticipate in their development;

7 (11) conduct and participate in regional, na-
8 tional, and international conferences relating to the
9 desalinization of water;

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

13 (13) cooperate with Federal, State, and municip-
14 al departments, agencies and instrumentalities, and
15 with private persons, firms, educational institutions,
16 and other organizations, including foreign govern-
17 ments, departments, agencies, companies, and in-
18 strumentalities, in effectuating the purposes of this
19 Act.

20 **SEC. 7. DESALINIZATION CONFERENCE.**

21 (a) ESTABLISHMENT.—The President is requested to
22 instruct the Administrator of the Agency for International
23 Development to sponsor an international desalinization
24 conference within 1 year after the date of enactment of
25 this Act.

1 (b) PARTICIPANTS.—Participants in the conference
2 under subsection (a) should include scientists, private in-
3 dustry experts, desalinization experts and operators, gov-
4 ernment officials from the nations that use and conduct
5 research on desalinization, and government officials from
6 nations that could benefit from low-cost desalinization
7 technology (particularly nations in the developing world),
8 and international financial institutions.

9 (c) PURPOSE.—The conference under subsection (a)
10 shall—

11 (1) explore promising new technologies and
12 methods to make affordable desalinization a reality
13 in the near term; and

14 (2) propose a research agenda and a plan of ac-
15 tion to guide longer-term development of practical
16 desalinization applications.

17 (d) FUNDING.—

18 (1) AID FUNDS.—Funding for the conference
19 under subsection (a) may come from operating or
20 program funds of the Agency for International De-
21 velopment.

22 (2) OTHER NATIONS.—The Agency for Inter-
23 national Development shall encourage financial and
24 other support from other nations, including those

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

3 **SEC. 8. REPORTS.**

4 (a) IN GENERAL.—Not later than 1 year after follow-
5 ing the date of enactment of this Act, and annually there-
6 after, the Secretary of the Interior, in consultation with
7 the Secretary of the Army, shall prepare a report to the
8 President and Congress concerning the administration of
9 this Act.

10 (b) CONTENTS.—A report under subsection (a) shall
11 describe—

12 (1) the actions taken by the Secretary of the
13 Interior and the Secretary of the Army during the
14 calendar year preceding the year in the report is
15 submitted; and

16 (2) the actions planned for the following cal-
17 endar year.

18 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) RESEARCH AND DEVELOPMENT.—There are au-
20 thorized to be appropriated to carry out section 4—

21 (1) \$5,000,000 for fiscal year 1996;

22 (2) \$10,000,000 for fiscal year 1997; and

23 (3) such sums as are necessary for fiscal years
24 1998, 1999, and 2000.

1 (b) DESALINIZATION DEVELOPMENT PROGRAM.—
2 There are authorized to be appropriated to carry out sec-
3 tion 5 such sums as are necessary, up to a total of
4 \$50,000,000, for fiscal years 1996, 1997, 1998, 1999, and
5 2000, of which 50 percent shall be made available to the
6 Department of the Interior and 50 percent shall be made
7 available to the civil works program of the Army Corps
8 of Engineers.

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