

Calendar No. 701

108TH CONGRESS
2D SESSION

S. 1211

[Report No. 108-347]

To further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the “Reclamation Wastewater and Groundwater Study and Facilities Act”, by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2003

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 20, 2004

Reported by Mr. DOMENICI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the “Reclamation Wastewater and Groundwater Study and Facilities Act”, by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, 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. TULAROSA BASIN FACILITY.**

4 (a) In furtherance of the purposes of title XVI of the
5 Reclamation Projects Authorization and Adjustment Act
6 of 1992 (106 Stat. 4600, 4663; 43 U.S.C. 390h), the Sec-
7 retary of the Interior (“Secretary”) shall construct, man-
8 age, and maintain a test and evaluation facility (“facility”)
9 at the Tularosa Basin, located in Otero County in the
10 State of New Mexico capable of processing at least
11 100,000 gallons of water per day.

12 (b) OBJECTIVES OF FACILITY.—The facility shall be
13 used to carry out research on, and to test, demonstrate,
14 and evaluate new desalination technologies to produce po-
15 table water from saline or other unsuitable water, includ-
16 ing analysis of effects on energy consumption, byproduct
17 disposal, and operations and maintenance costs to deter-
18 mine the most technologically-efficient and cost-effective
19 means to produce potable water from saline or other un-
20 suitable water using desalination technologies.

21 (c) TECHNOLOGY PLAN DEVELOPMENT.—The Sec-
22 retary shall contract with Sandia National Laboratory
23 (“Sandia”) to develop a desalination technology plan
24 (“plan”) within one year from the date when funds are

1 made available for the purposes of this Act. The plan
2 shall—

3 (1) be developed in consultation with the Sec-
4 retary and the Secretary of Energy;

5 (2) consider the experience of similar facilities
6 and research programs operated by the Federal gov-
7 ernment and by other research institutions; and

8 (3) include recommendations for the siting and
9 configuration of the facility and the research and de-
10 velopment program to be undertaken at the facility.

11 (d) REVIEW OF PLAN.—The Secretary shall review
12 the plan and may modify or change any recommendation
13 after consultation with the Secretary of Energy.

14 (e) CONSTRUCTION OF FACILITY.—Within three
15 years from the date of completion of the plan, the Sec-
16 retary shall construct the facility in accordance with the
17 recommendations contained in the plan, including any
18 modifications or changes. The Secretary may contract
19 with other Federal agencies, State agencies, educational
20 institutions, and private entities for construction of the fa-
21 cility.

22 (f) MEMORANDUM OF AGREEMENT FOR OPER-
23 ATION.—The Secretary and the Secretary of Energy shall
24 enter into a Memorandum of Agreement for the operation
25 of the facility and the conduct of research under this Act.

1 Research may be conducted at the facility and may also
2 be carried out at any laboratory facility determined to be
3 suitable by Sandia. The Secretary and the Secretary of
4 Energy shall establish a technical advisory panel drawn
5 from Federal or State agencies, academic institutions, and
6 private or public entities to provide program guidance and
7 technical assistance in the operation of the facility and
8 conduct of research.

9 (g) PROVISION OF WATER.—The Secretary shall dis-
10 pose of all water produced by the facility under contract
11 with one more communities located in Otero County, New
12 Mexico where the water would be supplementary to water
13 provided by public water systems or wells in the commu-
14 nities and only after Sandia notifies the Secretary that
15 the water is of a consistent, reliable quality. The water
16 shall be provided at no cost to the local community except
17 for the costs of conveyance and delivery.

18 **SEC. 2. RESEARCH AND DEVELOPMENT PROGRAM.**

19 The Secretary and the Secretary of Energy may un-
20 dertake research and development of desalination tech-
21 nologies in addition to the program carried out at the fa-
22 cility directly or by contract, interagency agreement, coop-
23 erative agreement, or grant. Any agreement or grant may
24 be made only on the basis of a competitive, merit-reviewed
25 process. The Secretary and the Secretary of Energy may

1 carry out the program at a location outside the United
2 States after consultation with and approval by the Sec-
3 retary of State.

4 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

5 Appropriations may be made to the Secretary and to
6 the Secretary of Energy. There are authorized to be ap-
7 propriated such sums as may be necessary to carry out
8 the provisions of this Act, but not to exceed—

9 (1) \$1,500,000 for development of the plan
10 under section 1(e);

11 (2) \$30,00,000 (January 2003 price levels),
12 plus or minus such amounts, if any, as may be re-
13 quired by reason of ordinary fluctuations in con-
14 struction costs as indicated by engineering cost in-
15 dexes applicable to the types of construction involved
16 for the construction of the facility;

17 (3) \$6,000,000 for each of fiscal years 2004
18 through 2010 for transfer to Sandia to carry out re-
19 search programs associated with the facility; and

20 (4) \$10,000,000 for each of fiscal years 2004
21 through 2010 for research and development activi-
22 ties under section 2 of which not more than
23 \$1,500,000 in any fiscal year may be for research
24 undertaken directly by the Secretary and not more
25 than \$1,000,000 in any fiscal year may be for

1 grants to institutions of higher education (including
2 United States-Mexico binational research founda-
3 tions and interuniversity research programs estab-
4 lished by the 2 countries).

5 **SECTION 1. TULAROSA BASIN FACILITY.**

6 (a) *IN GENERAL.*—The Secretary of the Interior (re-
7 ferred to in this Act as the “Secretary”) shall construct,
8 manage, and maintain a test and evaluation facility (re-
9 ferred to in this Act as the “facility”) at the Tularosa
10 Basin, located in Otero County in the State of New Mexico
11 capable of processing at least 100,000 gallons of water per
12 day.

13 (b) *OBJECTIVES OF FACILITY.*—The facility shall be
14 used to carry out research on, and to test, demonstrate, and
15 evaluate new desalination technologies to produce potable
16 water from saline or other unsuitable water, including
17 analysis of effects on energy consumption, byproduct dis-
18 posal, and operations and maintenance costs to determine
19 the most technologically-efficient and cost-effective means to
20 produce potable water from saline or other unsuitable water
21 using desalination technologies.

22 (c) *TECHNOLOGY PLAN DEVELOPMENT.*—The Sec-
23 retary shall contract with Sandia National Laboratory (re-
24 ferred to in this Act as “Sandia”) to develop a desalination
25 technology plan (referred to in this Act as the “plan”) not

1 *later than 1 year after the date on which funds are made*
2 *available for the purposes of this Act. The plan shall—*

3 *(1) be developed in consultation with the Sec-*
4 *retary and the Secretary of Energy;*

5 *(2) consider the experience of similar facilities*
6 *and research programs operated by the Federal gov-*
7 *ernment and by other research institutions; and*

8 *(3) include recommendations for the siting and*
9 *configuration of the facility and the research and de-*
10 *velopment program to be undertaken at the facility.*

11 *(d) REVIEW OF PLAN.—The Secretary shall review the*
12 *plan and may modify or change any recommendation after*
13 *consultation with the Secretary of Energy.*

14 *(e) CONSTRUCTION OF FACILITY.—Not later than 3*
15 *years after the date of completion of the plan, the Secretary*
16 *shall construct the facility in accordance with the rec-*
17 *ommendations contained in the plan, including any modi-*
18 *fications or changes. The Secretary may contract with other*
19 *Federal agencies, State agencies, educational institutions,*
20 *and private entities for construction of the facility.*

21 *(f) MEMORANDUM OF AGREEMENT FOR OPERATION.—*
22 *The Secretary and the Secretary of Energy shall enter into*
23 *a Memorandum of Agreement for the operation of the facil-*
24 *ity and the conduct of research under this Act. Research*
25 *may be conducted at the facility and may also be carried*

1 *out at any laboratory facility determined to be suitable by*
2 *Sandia. The Secretary and the Secretary of Energy shall*
3 *establish a technical advisory panel drawn from Federal*
4 *or State agencies, academic institutions, and private or*
5 *public entities to provide program guidance and technical*
6 *assistance in the operation of the facility and conduct of*
7 *research.*

8 *(g) PROVISION OF WATER.—*

9 *(1) IN GENERAL.—The Secretary shall dispose of*
10 *all water produced by the facility under contract with*
11 *1 or more communities located in Otero County, New*
12 *Mexico where the water would be supplementary to*
13 *water provided by public water systems or wells in*
14 *the communities and only after Sandia notifies the*
15 *Secretary that the water is of a consistent, reliable*
16 *quality.*

17 *(2) COST.—Any water provided by the Secretary*
18 *to a community under paragraph (1) shall be pro-*
19 *vided at a cost not to exceed the fair market value of*
20 *the water.*

21 *(3) USE OF REVENUE.—The Secretary may use*
22 *the amounts collected under paragraph (2) to assist*
23 *in paying the operational costs of the facility.*

1 **SEC. 2. RESEARCH AND DEVELOPMENT PROGRAM.**

2 *The Secretary and the Secretary of Energy may under-*
3 *take research and development of desalination technologies*
4 *in addition to the program carried out at the facility di-*
5 *rectly or by contract, interagency agreement, cooperative*
6 *agreement, or grant. Any agreement or grant may be made*
7 *only on the basis of a competitive, merit-reviewed process.*
8 *The Secretary and the Secretary of Energy may carry out*
9 *the program at a location outside the United States after*
10 *consultation with and approval by the Secretary of State.*

11 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

12 *Appropriations may be made to the Secretary and to*
13 *the Secretary of Energy. There are authorized to be appro-*
14 *priated such sums as may be necessary to carry out the*
15 *provisions of this Act, but not to exceed—*

16 (1) \$1,500,000 for development of the plan under
17 *section 1(c);*

18 (2) \$3,000,000 (January 2003 price levels), plus
19 *or minus such amounts, if any, as may be required*
20 *by reason of ordinary fluctuations in construction*
21 *costs as indicated by engineering cost indexes applica-*
22 *ble to the types of construction involved for the con-*
23 *struction of the facility;*

24 (3) \$6,000,000 for each of fiscal years 2005
25 *through 2010 for transfer to Sandia to carry out re-*
26 *search programs associated with the facility; and*

1 (4) \$10,000,000 for each of fiscal years 2005
2 through 2010 for research and development activities
3 under section 2 of which not more than \$1,500,000 in
4 any fiscal year may be for research undertaken di-
5 rectly by the Secretary and not more than \$1,000,000
6 in any fiscal year may be for grants to institutions
7 of higher education (including United States-Mexico
8 binational research foundations and interuniversity
9 research programs established by the 2 countries).

Amend the title so as to read: “A bill to direct the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes.”.

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SEPTEMBER 20, 2004

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