

Union Calendar No. 428

104TH CONGRESS  
2D Session

**S. 811**

[Report No. 104-790, Part I]

**AN ACT**

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.

SEPTEMBER 16, 1996

Referral to the Committees on Science and Transportation and Infrastructure extended for a period ending not later than September 16, 1996

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Reported from the Committee on Resources with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1996

Referred to the Committee on Resources, and in addition to the Committees on Science, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 16, 1996

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

[For text of Senate passed bill, see copy of bill as printed in the House of Representatives on May 14, 1996]

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# AN ACT

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 Desalination Act*  
 5       *of 1996”.*

6       **SEC. 2. DEFINITIONS.**

7       *As used in this Act:*

8               (1) *DESALINATION OR DESALTING.*—*The terms*  
 9       *“desalination” or “desalting” mean the use of any*  
 10       *process or technique for the removal and, when fea-*  
 11       *sible, adaptation to beneficial use, of organic and in-*  
 12       *organic elements and compounds from saline or bio-*  
 13       *logically impaired waters, by itself or in conjunction*  
 14       *with other processes.*

15              (2) *SALINE WATER.*—*The term “saline water”*  
 16       *means sea water, brackish water, and other mineral-*  
 17       *ized or chemically impaired water.*

18              (3) *UNITED STATES.*—*The term “United States”*  
 19       *means the States of the United States, the District of*  
 20       *Columbia, the Commonwealth of Puerto Rico, and the*  
 21       *territories and possessions of the United States.*

22              (4) *USABLE WATER.*—*The term “usable water”*  
 23       *means water of a high quality suitable for environ-*  
 24       *mental enhancement, agricultural, industrial, munic-*

1        *ipal, and other beneficial consumptive or non-*  
 2        *consumptive uses.*

3                (5) *SECRETARY.*—*The term “Secretary” means*  
 4        *the Secretary of the Interior.*

5    **SEC. 3. AUTHORIZATION OF RESEARCH AND STUDIES.**

6        (a) *IN GENERAL.*—*In order to determine the most cost-*  
 7        *effective and technologically efficient means by which usable*  
 8        *water can be produced from saline water or water otherwise*  
 9        *impaired or contaminated, the Secretary is authorized to*  
 10       *award grants and to enter into contracts, to the extent pro-*  
 11       *vided in advance in appropriation Acts, to conduct, encour-*  
 12       *age, and assist in the financing of research to develop proc-*  
 13       *esses for converting saline water into water suitable for ben-*  
 14       *eficial uses. Awards of research grants and contracts under*  
 15       *this section shall be made on the basis of a competitive,*  
 16       *merit-reviewed process. Research and study topics author-*  
 17       *ized by this section include—*

- 18                (1) *investigating desalination processes;*
- 19                (2) *ascertaining the optimum mix of investment*  
 20        *and operating costs;*
- 21                (3) *determining the best designs for different con-*  
 22        *ditions of operation;*
- 23                (4) *investigating methods of increasing the eco-*  
 24        *nom ic efficiency of desalination processes through*

1        *dual-purpose co-facilities with other processes involv-*  
2        *ing the use of water;*

3            *(5) conducting or contracting for technical work,*  
4        *including the design, construction, and testing of pilot*  
5        *systems and test beds, to develop desalting processes*  
6        *and concepts; and*

7            *(6) studying methods for the recovery of byprod-*  
8        *ucts resulting from desalination to offset the costs of*  
9        *treatment and to reduce environmental impacts from*  
10       *those byproducts.*

11        *(b) PROJECT RECOMMENDATIONS AND REPORTS TO*  
12       *THE CONGRESS.—As soon as practicable and within three*  
13       *years after the date of enactment of this Act, the Secretary*  
14       *shall recommend to Congress desalination demonstration*  
15       *projects or full-scale desalination projects to carry out the*  
16       *purposes of this Act and to further evaluate and implement*  
17       *the results of research and studies conducted under the au-*  
18       *thority of this section. Recommendations for projects shall*  
19       *be accompanied by reports on the engineering and economic*  
20       *feasibility of proposed projects and their environmental im-*  
21       *pacts.*

22        *(c) AUTHORITY TO ENGAGE OTHERS.—In carrying*  
23       *out research and studies authorized in this section, the Sec-*  
24       *retary may engage the necessary personnel, industrial or*  
25       *engineering firms, Federal laboratories, water resources re-*

1 *search and technology institutes, other facilities, and edu-*  
 2 *cational institutions suitable to conduct investigations and*  
 3 *studies authorized under this section.*

4 (d) *ALTERNATIVE TECHNOLOGIES.*—*In carrying out*  
 5 *the purposes of this Act, the Secretary shall ensure that at*  
 6 *least three separate technologies are evaluated and dem-*  
 7 *onstrated for the purposes of accomplishing desalination.*

8 **SEC. 4. DESALINATION DEMONSTRATION AND DEVELOP-**  
 9 **MENT.**

10 (a) *IN GENERAL.*—*In order to further demonstrate the*  
 11 *feasibility of desalination processes investigated either inde-*  
 12 *pendently or in research conducted pursuant to section 3,*  
 13 *the Secretary shall administer and conduct a demonstration*  
 14 *and development program for water desalination and relat-*  
 15 *ed activities, including the following:*

16 (1) *DESALINATION PLANTS AND MODULES.*—  
 17 *Conduct or contract for technical work, including the*  
 18 *design, construction, and testing of plants and mod-*  
 19 *ules to develop desalination processes and concepts.*

20 (2) *BYPRODUCTS.*—*Study methods for the mar-*  
 21 *keting of byproducts resulting from the desalting of*  
 22 *water to offset the costs of treatment and to reduce en-*  
 23 *vironmental impacts of those byproducts.*

24 (3) *ECONOMIC SURVEYS.*—*Conduct economic*  
 25 *studies and surveys to determine present and prospec-*

1        *tive costs of producing water for beneficial purposes*  
 2        *in various locations by desalination processes com-*  
 3        *pared to other methods.*

4        *(b) COOPERATIVE AGREEMENTS.—Federal participa-*  
 5        *tion in desalination activities may be conducted through*  
 6        *cooperative agreements, including cost-sharing agreements,*  
 7        *with non-Federal public utilities and State and local gov-*  
 8        *ernmental agencies and other entities, in order to develop*  
 9        *recommendations for Federal participation in processes and*  
 10       *plants utilizing desalting technologies for the production of*  
 11       *water.*

12       **SEC. 5. AVAILABILITY OF INFORMATION.**

13       *All information from studies sponsored or funded*  
 14       *under authority of this Act shall be considered public infor-*  
 15       *mation.*

16       **SEC. 6. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.**

17       *The Secretary may—*

18                *(1) accept technical and administrative assist-*  
 19                *ance from States and public or private agencies in*  
 20                *connection with studies, surveys, location, construc-*  
 21                *tion, operation, and other work relating to the*  
 22                *desalting of water, and*

23                *(2) enter into contracts or agreements stating the*  
 24                *purposes for which the assistance is contributed and*

1        *providing for the sharing of costs between the Sec-*  
2        *retary and any such agency.*

3    **SEC. 7. COST SHARING.**

4        *The Federal share of the cost of a research, study, or*  
5        *demonstration project or a desalination development project*  
6        *or activity carried out under this Act shall not exceed 50*  
7        *percent of the total cost of the project or research or study*  
8        *activity. A Federal contribution in excess of 25 percent for*  
9        *a project carried out under this Act may not be made unless*  
10       *the Secretary determines that the project is not feasible*  
11       *without such increased Federal contribution. The Secretary*  
12       *shall prescribe appropriate procedures to implement the*  
13       *provisions of this section. Costs of operation, maintenance,*  
14       *repair, and rehabilitation of facilities funded under the au-*  
15       *thority of this Act shall be non-Federal responsibilities.*

16    **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17       *(a) SECTION 3.—There are authorized to be appro-*  
18       *priated to carry out section 3 of this Act \$5,000,000 per*  
19       *year for fiscal years 1997 through 2002. Of these amounts,*  
20       *up to \$1,000,000 in each fiscal year may be awarded to*  
21       *institutions of higher education, including United States-*  
22       *Mexico binational research foundations and interuniversity*  
23       *research programs established by the two countries, for re-*  
24       *search grants without any cost-sharing requirement.*

1        *(b) SECTION 4.—There are authorized to be appro-*  
 2        *priated to carry out section 4 of this Act \$25,000,000 for*  
 3        *fiscal years 1997 through 2002.*

Amend the title so as to read: “An Act to authorize the Secretary of the Interior to conduct studies regarding the desalination of water and water reuse, and for other purposes.”.

Passed the Senate May 3, 1996.

Attest:                      KELLY D. JOHNSTON,  
                                                                                  *Secretary.*