

Public Law 95-84
95th Congress

An Act

Aug. 2, 1977
[H.R. 4746]

To extend certain authorities of the Secretary of the Interior with respect to water resources research and saline water conversion programs, and for other purposes.

Water research
and conversion.
42 USC 1961
note.
42 USC 1959
note.
42 USC 1961b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Water Resources Research Act of 1964 (Public Law 88-379; 78 Stat. 330) as amended, and the Saline Water Conversion Act of 1971 (Public Law 92-60; 85 Stat. 162) as amended, are further amended as follows:

(1) Title II, additional water resources research programs, section 200(a) of the Water Resources Research Act, is hereby further amended by adding after "for each of the fiscal years 1972-1976," the words "and for 1978,".

42 USC 1959h.

(2) Section 10(b) of the Saline Water Conversion Act is amended by changing the phrase "during the fiscal years 1973 to 1977, inclusive," to read "during the fiscal years 1973 to 1978, inclusive,".

Appropriation
authorization.
42 USC 1959h
note.
42 USC 1959
note.

(b) There is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 during fiscal year 1978 the sum of \$11,950,000, to remain available until expended as follows:

- (1) Research Expense, \$1,500,000;
- (2) Development Expense, \$7,950,000;
- (3) Test Facility Operation and Maintenance, \$1,500,000;
- (4) Administration and Coordination, \$1,000,000.

Limitation.

(c) Expenditures and obligations under any activity authorized by paragraphs (1), (2), and (3) above may be increased by not more than 10 per centum if any such increase is accompanied by a corresponding decrease in expenditures and obligations in one or more activities set forth in subsection (b) above.

(d) Notwithstanding any provision of the Saline Water Conversion Act of 1971 (85 Stat. 162) or any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriations Acts.

(e) All other provisions of the above Acts shall remain unchanged by this Act.

Desalting plants.
42 USC 1959i.

SEC. 2. (a) The Secretary of the Interior is authorized and directed to study, design, construct, operate, and maintain desalting plants demonstrating the engineering and economic viability of membrane and phase-change desalting processes at not more than four locations in the United States, including Puerto Rico, Virgin Islands, and Guam: *Provided*, That at least two such plants shall demonstrate desalting of brackish ground water.

Report to
congressional
committees.

(b) Funds appropriated pursuant to the authority provided by this section may not be expended until thirty calendar days (excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) have elapsed following transmittal of a report to the chairman of the Committee on Interior and Insular Affairs of the House of Representatives and the chairman of the Committee on

Environment and Public Works of the United States Senate. Such report shall present information that includes, but is not limited to, the location of the demonstration plant, the characteristics of the water proposed to be desalted, the process to be utilized, the water supply problems confronting the area in which the plant will be located, alternative sources of water and their probable cost, the capacity of the plant, the initial investment cost of the demonstration plant, the annual operating cost of the demonstration plant, the source of energy for the plant and its cost, the means of reject brine disposal and its environmental consequences, and the unit cost of product water, considering the amortization of all components of the demonstration plant and ancillary facilities. Such report shall also be accompanied by a proposed contract between the Secretary and a duly authorized non-Federal public entity, in which such entity shall agree to furnish, at no cost to the United States, necessary water rights, water supplies, rights-of-way, power source interconnections, and brine disposal facilities. Such proposed contract will further provide that the United States will construct the plant described in the report at no cost to the non-Federal public entity and that the United States will provide all costs of operation and maintenance of the plant for a term of at least two but not more than five years, during which access to the plant and its operating data will not be denied to the Secretary or his representatives. The Secretary is authorized to include in the proposed contract a provision for conveying all rights, title, and interest of the Federal Government to the non-Federal public entity, subject only to a future right to re-enter the facility for the purpose of financing at Federal expense modifications for advanced technology and for its operation and maintenance for a successive term under the same conditions as pertain to the original term.

Contract.

(c) There is authorized to be appropriated, to remain available until expended, for the fiscal year ending September 30, 1978, and thereafter the sum of \$40,000,000 to finance the construction of demonstration plants authorized by this section. There are also authorized to be appropriated such additional sums as are necessary to defray operation, maintenance, and energy costs for demonstration plants during the periods of Federal responsibility for such activities, under this section.

Appropriation
authorization.

Approved August 2, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-306 (Comm. on Interior and Insular Affairs) and No. 95-497 (Comm. of Conference).

SENATE REPORT No. 95-187 accompanying S. 846 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 25, considered and passed Senate, amended, in lieu of S. 846.

July 20, House and Senate agreed to conference report.