

**(d) Mails**

The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

**(e) Experts and consultants**

Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(Pub. L. 97-425, title V, § 507, as added Pub. L. 100-202, § 101(d) [title III], Dec. 22, 1987, 101 Stat. 1329-104, 1329-121; Pub. L. 100-203, title V, § 5051, Dec. 22, 1987, 101 Stat. 1330-250.)

**Editorial Notes**

## CODIFICATION

Pub. L. 100-202 and Pub. L. 100-203 added identical sections.

**Statutory Notes and Related Subsidiaries**

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**§ 10268. Report**

The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations. The first such report shall be submitted not later than 12 months after December 22, 1987.

(Pub. L. 97-425, title V, § 508, as added Pub. L. 100-202, § 101(d) [title III], Dec. 22, 1987, 101 Stat. 1329-104, 1329-121; Pub. L. 100-203, title V, § 5051, Dec. 22, 1987, 101 Stat. 1330-250.)

**Editorial Notes**

## CODIFICATION

Pub. L. 100-202 and Pub. L. 100-203 added identical sections.

**Statutory Notes and Related Subsidiaries**

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of this section relating to reporting to Congress 2 times per year, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the last item on page 186 of House Document No. 103-7.

**§ 10269. Authorization of appropriations**

Notwithstanding subsection (d) of section 10222 of this title, and subject to subsection (e) of such section, there are authorized to be appropriated for expenditures from amounts in the Waste Fund established in subsection (c) of such section such sums as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 97-425, title V, § 509, as added Pub. L. 100-202, § 101(d) [title III], Dec. 22, 1987, 101 Stat. 1329-104, 1329-121; Pub. L. 100-203, title V, § 5051, Dec. 22, 1987, 101 Stat. 1330-251.)

**Editorial Notes**

## CODIFICATION

Pub. L. 100-202 and Pub. L. 100-203 added identical sections.

**§ 10270. Termination of Board**

The Board shall cease to exist not later than 1 year after the date on which the Secretary begins disposal of high-level radioactive waste or spent nuclear fuel in a repository.

(Pub. L. 97-425, title V, § 510, as added Pub. L. 100-202, § 101(d) [title III], Dec. 22, 1987, 101 Stat. 1329-104, 1329-121; Pub. L. 100-203, title V, § 5051, Dec. 22, 1987, 101 Stat. 1330-251.)

**Editorial Notes**

## CODIFICATION

Pub. L. 100-202 and Pub. L. 100-203 added identical sections.

**CHAPTER 109—WATER RESOURCES RESEARCH**

## Sec.

- |        |  |
|--------|--|
| 10301. | Congressional findings and declarations.   |
| 10302. | Congressional declaration of purpose.  |
| 10303. | Water resources research and technology institutes.                                    |
| 10304. | Research concerning water resource-related problems deemed to be in national interest. |
| 10305. | Development of water-related technology.   |
| 10306. | Administrative costs.  |
| 10307. | Types of research and development.   |
| 10308. | Patent policy.   |
| 10309. | New spending authority; amounts provided in advance.                                   |
| 10310. | Produced water research and development.   |

**§ 10301. Congressional findings and declarations**

The Congress finds and declares that—

(1) the existence of an adequate supply of water of good quality for the production of materials and energy for the Nation's needs and for the efficient use of the Nation's energy and water resources is essential to national economic stability and growth, and to the well-being of the people;

(2) the management of water resources is closely related to maintaining environmental quality, productivity of natural resources and agricultural systems, and social well-being;

(3) there is an increasing threat of impairment to the quantity and quality of surface and groundwater resources;

(4) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at the Federal, State, and local governmental levels;

(5) there should be a continuing national investment in water and related research and technology commensurate with growing national needs;

(6) it is necessary to provide for the research and development of technology for the conver-

sion of saline and other impaired waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial uses;

(7) the Nation must provide programs to strengthen research and associated graduate education because the pool of scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished; and<sup>1</sup>

(8) long-term planning and policy development are essential to ensure the availability of an abundant supply of high quality water for domestic and other uses; and

(9) the States must have the research and problem-solving capacity necessary to effectively manage their water resources.

(Pub. L. 98-242, title I, §102, Mar. 22, 1984, 98 Stat. 97; Pub. L. 104-147, §1, May 24, 1996, 110 Stat. 1375.)

**Editorial Notes**

AMENDMENTS

1996—Par. (2). Pub. L. 104-147, §1(1), inserted “, productivity of natural resources and agricultural systems,” after “environmental quality”.

Pars. (8), (9). Pub. L. 104-147, §1(2)–(4), added pars. (8) and (9).

**Statutory Notes and Related Subsidiaries**

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 109-471, §1, Jan. 11, 2007, 120 Stat. 3552, provided that: “This Act [amending sections 10303 and 10306 of this title] may be cited as the ‘Water Resources Research Act Amendments of 2006’.”

SHORT TITLE

Pub. L. 98-242, title I, §101, Mar. 22, 1984, 98 Stat. 97, provided that: “This Act [enacting this chapter, repealing sections 7801, 7802, 7811 to 7819, 7831 to 7835, 7851 to 7853, and 7871 to 7883 of this title, and enacting provisions set out as a note under section 7801 of this title] may be cited as the ‘Water Resources Research Act of 1984’.”

SAVINGS PROVISION

Rules and regulations issued prior to Mar. 22, 1984, under Pub. L. 95-467 [chapter 87 of this title] to remain in full force and effect under this chapter until superseded by new rules and regulations promulgated under this chapter, see section 110(b) of Pub. L. 98-242, set out as a note under section 7801 of this title.

MORE WATER, MORE ENERGY, AND LESS WASTE

Pub. L. 110-229, title V, §514, May 8, 2008, 122 Stat. 844, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

“(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

“(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity of produced water that is made available for irrigation and other uses—

“(A) would augment water supplies;

“(B) could reduce the costs to energy developers for disposing of the water; and

“(C) in some cases, could increase the efficiency of energy development activities; and

“(4) it is in the national interest—

“(A) to limit the quantity of produced water disposed of as waste;

“(B) to optimize the production of energy resources; and

“(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

“(b) PURPOSES.—The purposes of this section are—

“(1) to optimize the production of energy resources—

“(A) by minimizing the quantity of produced water; and

“(B) by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment; and

“(2) to demonstrate means of accomplishing those results.

“(c) DEFINITIONS.—In this section:

“(1) LOWER BASIN STATE.—The term ‘Lower Basin State’ means any of the States of—

“(A) Arizona;

“(B) California; and

“(C) Nevada.

“(2) PRODUCED WATER.—The term ‘produced water’ means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

“(A) oil;

“(B) natural gas;

“(C) coalbed methane; or

“(D) any other substance to be used as an energy source.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(4) UPPER BASIN STATE.—The term ‘Upper Basin State’ means any of the States of—

“(A) Colorado;

“(B) New Mexico;

“(C) Utah; and

“(D) Wyoming.

“(d) IDENTIFICATION OF PROBLEMS AND SOLUTIONS.—

“(1) STUDY.—The Secretary shall conduct a study to identify—

“(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

“(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

“(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

“(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

“(2) REPORT.—Not later than 1 year after the date of enactment of this Act [May 8, 2008], the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study under paragraph (1).

“(e) IMPLEMENTATION.—

“(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

“(A) optimizing energy resource production by reducing the quantity of produced water generated; or

“(B) increasing the extent to which produced water may be recovered and made suitable for use

<sup>1</sup> So in original. The word “and” probably should not appear.

for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

“(2) LIMITATIONS.—Assistance under this subsection—

“(A) shall be provided for—

“(i) at least 1 project in each of the Upper Basin States; and

“(ii) at least 1 project in at least 1 of the Lower Basin States;

“(B) shall not exceed \$1,000,000 for any project;

“(C) shall be used to pay not more than 50 percent of the total cost of a project;

“(D) shall not be used for the operation or maintenance of any facility; and

“(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

“(f) CONSULTATION, ADVICE, AND COMMENTS.—In carrying out this section, including in preparing the report under subsection (d)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (e), the Secretary shall—

“(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

“(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 ([former] 42 U.S.C. 16371 et seq.); and

“(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (d)(2);

“(3) seek the advice of—

“(A) individuals with relevant professional or academic expertise; and

“(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

“(4) solicit comments and suggestions from the public.

“(g) RELATION TO OTHER LAWS.—Nothing in this section supersedes, modifies, abrogates, or limits—

“(1) the effect of any State law or any interstate authority or compact relating to—

“(A) any use of water; or

“(B) the regulation of water quantity or quality; or

“(2) the applicability or effect of any Federal law (including regulations).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) \$1,000,000 to carry out subsection (d); and

“(2) \$7,500,000 to carry out subsection (e).”

#### DESALINATION RESEARCH, STUDIES, AND DEMONSTRATION PROJECTS

Pub. L. 104-298, Oct. 11, 1996, 110 Stat. 3622, as amended by Pub. L. 108-7, div. D, title II, §210, Feb. 20, 2003, 117 Stat. 146; Pub. L. 109-13, div. A, title VI, §6015, May 11, 2005, 119 Stat. 284; Pub. L. 109-103, title II, §206, Nov. 19, 2005, 119 Stat. 2268; Pub. L. 109-289, div. B, title II, §20312, as added by Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 19; Pub. L. 112-74, div. B, title II, §204, Dec. 23, 2011, 125 Stat. 865; Pub. L. 114-322, title III, §§3801, 4009(a), Dec. 16, 2016, 130 Stat. 1846, 1867; Pub. L. 116-260, div. FF, title XI, §1112, Dec. 27, 2020, 134 Stat. 3251; Pub. L. 117-58, div. D, title IX, §40908, Nov. 15, 2021, 135 Stat. 1126, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Water Desalination Act of 1996’.

“SEC. 2. DEFINITIONS.

“As used in this Act:

“(1) DESALINATION OR DESALTING.—The terms ‘desalination’ or ‘desalting’ mean the use of any process

or technique for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline or biologically impaired waters, by itself or in conjunction with other processes.

“(2) SALINE WATER.—The term ‘saline water’ means sea water, brackish water, and other mineralized or chemically impaired water.

“(3) UNITED STATES.—The term ‘United States’ means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

“(4) USABLE WATER.—The term ‘usable water’ means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“SEC. 3. AUTHORIZATION OF RESEARCH AND STUDIES.

“(a) IN GENERAL.—In order to determine the most cost-effective and technologically efficient means by which usable water can be produced from saline water or water otherwise impaired or contaminated, the Secretary is authorized to award grants and to enter into contracts, to the extent provided in advance in appropriation Acts, to conduct, encourage, and assist in the financing of research to develop processes for converting saline water into water suitable for beneficial uses. Awards of research grants and contracts under this section shall be made on the basis of a competitive, merit-reviewed process. Research and study topics authorized by this section include—

“(1) investigating desalination processes;

“(2) ascertaining the optimum mix of investment and operating costs;

“(3) determining the best designs for different conditions of operation;

“(4) investigating methods of increasing the economic efficiency of desalination processes through dual-purpose co-facilities with other processes involving the use of water;

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

“(6) studying methods for the recovery of byproducts resulting from desalination to offset the costs of treatment and to reduce environmental impacts from those byproducts;

“(7) salinity modeling and toxicity analysis of brine discharges, cost reduction strategies for constructing and operating desalination facilities, and the horticultural effects of desalinated water used for irrigation;

“(8) development of metrics to analyze the costs and benefits of desalination relative to other sources of water (including costs and benefits related to associated infrastructure, energy use, environmental impacts, and diversification of water supplies); and

“(9) development of design and siting specifications that avoid or minimize, adverse economic and environmental impacts.

“(b) PROJECT RECOMMENDATIONS AND REPORTS TO THE CONGRESS.—As soon as practicable and within three years after the date of enactment of this Act [Oct. 11, 1996], the Secretary shall recommend to Congress desalination demonstration projects or full-scale desalination projects to carry out the purposes of this Act and to further evaluate and implement the results of research and studies conducted under the authority of this section. Recommendations for projects shall be accompanied by reports on the engineering and economic feasibility of proposed projects and their environmental impacts.

“(c) AUTHORITY TO ENGAGE OTHERS.—In carrying out research and studies authorized in this section, the Secretary may engage the necessary personnel, indus-

trial or engineering firms, Federal laboratories, water resources research and technology institutes, other facilities, and educational institutions suitable to conduct investigations and studies authorized under this section.

“(d) ALTERNATIVE TECHNOLOGIES.—In carrying out the purposes of this Act, the Secretary shall ensure that at least three separate technologies are evaluated and demonstrated for the purposes of accomplishing desalination.

“(e) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize funding for research—

“(1) to reduce energy consumption and lower the cost of desalination, including chloride control;

“(2) to reduce the environmental impacts of seawater desalination and develop technology and strategies to minimize those impacts;

“(3) to improve existing reverse osmosis and membrane technology;

“(4) to carry out basic and applied research on next generation desalination technologies, including improved energy recovery systems and renewable energy-powered desalination systems that could significantly reduce desalination costs;

“(5) to develop portable or modular desalination units capable of providing temporary emergency water supplies for domestic or military deployment purposes; and

“(6) to develop and promote innovative desalination technologies, including chloride control, identified by the Secretary.

#### “SEC. 4. DESALINATION DEMONSTRATION AND DEVELOPMENT.

“(a) IN GENERAL.—In order to further demonstrate the feasibility of desalination processes investigated either independently or in research conducted pursuant to section 3, the Secretary shall administer and conduct a demonstration and development program for water desalination and related activities, including the following:

“(1) DESALINATION PLANTS AND MODULES.—Conduct or contract for technical work, including the design, construction, and testing of plants and modules to develop desalination processes and concepts, including modules specifically designed for brine management.

“(2) PROJECTS.—

“(A) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Interior may participate in an eligible desalination project in an amount equal to not more than 25 percent of the total cost of the eligible desalination project.

“(B) ELIGIBLE DESALINATION PROJECT.—The term ‘eligible desalination project’ means any project in a Reclamation State, that—

“(i) involves an ocean or brackish water desalination facility either constructed, operated and maintained; or sponsored by any State, department of a State, subdivision of a State or public agency organized pursuant to a State law; and

“(ii) provides a Federal benefit in accordance with the reclamation laws (including regulations).

“(C) STATE ROLE.—Participation by the Secretary of the Interior in an eligible desalination project under this subsection shall not occur unless—

“(i) the project is included in a state-approved plan or federal participation has been requested by the Governor of the State in which the eligible desalination project is located; and

“(ii) the State or local sponsor determines, and the Secretary of the Interior concurs, that—

“(I) the eligible desalination project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws;

“(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

“(III) the eligible desalination project sponsors are financially solvent; and

“(iii) the Secretary of the Interior submits to Congress a written notification of these determinations within 30 days of making such determinations.

“(D) ENVIRONMENTAL LAWS.—When participating in an eligible desalination project under this subsection, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(E) INFORMATION.—When participating in an eligible desalination project under this subsection, the Secretary of the Interior—

“(i) may rely on reports prepared by the sponsor of the eligible desalination project, including feasibility (or equivalent) studies, environmental analyses, and other pertinent reports and analyses; but

“(ii) shall retain responsibility for making the independent determinations described in subparagraph (C).

“(F) AUTHORIZATION OF APPROPRIATIONS.—

“(i) \$30,000,000 of funding is authorized to remain available until expended; and

“(ii) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this subsection and transmits such recommendations to the appropriate committees of Congress.

“(3) BYPRODUCTS.—Study methods for the marketing of byproducts resulting from the desalting of water to offset the costs of treatment and to reduce environmental impacts of those byproducts.

“(4) ECONOMIC SURVEYS.—Conduct economic studies and surveys to determine present and prospective costs of producing water for beneficial purposes in various locations by desalination processes compared to other methods.

“(b) COOPERATIVE AGREEMENTS.—Federal participation in desalination activities may be conducted through cooperative agreements, including cost-sharing agreements, with non-Federal public utilities and State and local governmental agencies and other entities, in order to develop recommendations for Federal participation in processes and plants utilizing desalting technologies for the production of water.

“(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary shall prioritize projects—

“(1) for the benefit of drought-stricken States and communities;

“(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

“(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.

“(d) WATER PRODUCTION.—The Secretary shall provide, as part of the annual budget submission to Congress, an estimate of how much water has been produced and delivered in the past fiscal year using processes and facilities developed or demonstrated using assistance provided under sections 3 and 4. This submission shall include, to the extent practicable, available information on a detailed water accounting by process and facility and the cost per acre foot of water produced and delivered.

#### “SEC. 5. AVAILABILITY OF INFORMATION.

“All information from studies sponsored or funded under authority of this Act shall be considered public information.

#### “SEC. 6. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.

“The Secretary may—

“(1) accept technical and administrative assistance from States and public or private agencies in connection with studies, surveys, location, construction, operation, and other work relating to the desalting of water, and

“(2) enter into contracts or agreements stating the purposes for which the assistance is contributed and providing for the sharing of costs between the Secretary and any such agency.

“SEC. 7. COST SHARING.

“The Federal share of the cost of a research, study, or demonstration project or a desalination development project or activity carried out under this Act shall not exceed 50 percent of the total cost of the project or research or study activity. A Federal contribution in excess of 25 percent for a project carried out under this Act may not be made unless the Secretary determines that the project is not feasible without such increased Federal contribution. The Secretary shall prescribe appropriate procedures to implement the provisions of this section. Costs of operation, maintenance, repair, and rehabilitation of facilities funded under the authority of this Act shall be non-Federal responsibilities.

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“(a) SECTION 3.—There are authorized to be appropriated to carry out section 3 of this Act \$5,000,000 per year for fiscal years 1997 through 2021. Of these amounts, up to \$1,000,000 in each fiscal year may be awarded to institutions of higher education, including United States-Mexico binational research foundations and interuniversity research programs established by the two countries, for research grants without any cost-sharing requirement.

“(b) SECTION 4.—There are authorized to be appropriated to carry out section 4 of this Act \$20,000,000 for each of fiscal years 2022 through 2026, in addition to the authorization of appropriations for projects in section 4(a)(2)(F).

“SEC. 9. CONSULTATION AND COORDINATION.

“(a) CONSULTATION.—In carrying out the provisions of this Act, the Secretary shall consult with the heads of other Federal agencies, including the Secretary of the Army, which have experience in conducting desalination research or operating desalination facilities.

“(b) COORDINATION OF FEDERAL DESALINATION RESEARCH AND DEVELOPMENT.—The White House Office of Science and Technology Policy shall develop a coordinated strategic plan that—

“(1) establishes priorities for future Federal investments in desalination;

“(2) coordinates the activities of Federal agencies involved in desalination, including the Bureau of Reclamation, the Corps of Engineers, the United States Army Tank Automotive Research, Development and Engineering Center, the National Science Foundation, the Office of Naval Research of the Department of Defense, the National Laboratories of the Department of Energy, the United States Geological Survey, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration;

“(3) strengthens research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology; and

“(4) promotes public-private partnerships to develop a framework for assessing needs for, and to optimize siting and design of, future ocean desalination projects.

“(c) OTHER DESALINATION PROGRAMS.—The authorization provided for in this Act shall not prohibit other agencies from carrying out separately authorized programs for desalination research or operations.”

[For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.]

OGALLALA AQUIFER

Pub. L. 99-662, title XI, §1121, Nov. 17, 1986, 100 Stat. 4239, provided that:

“(a) The Congress finds that—

“(1) the Ogallala aquifer lies beneath, and provides needed water supplies to, the 8 States of the High Plains Region: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming;

“(2) the High Plains region has become an important source of agricultural commodities and livestock for domestic and international markets, providing 15 percent of the Nation’s supply of wheat, corn, feed grains, sorghum, and cotton, plus 38 percent of the value of livestock raised in the United States; and

“(3) annual precipitation in the High Plains region ranges from 15 to 22 inches, providing inadequate supplies of surface water and recharging of the Ogallala aquifer needed to sustain the agricultural productivity and economic vitality of the High Plains region.

“(b) It is, therefore, the purpose of this section to establish a comprehensive research and development program to assist those portions of the High Plains region dependent on water from the Ogallala aquifer to—

“(1) plan for the development of an adequate supply of water in the region;

“(2) develop and provide information and technical assistance concerning water-conservation management practices to agricultural producers in the region;

“(3) examine alternatives for the development of an adequate supply of water for the region; and

“(4) develop water-conservation management practices which are efficient for agricultural producers in the region.

“(c) The Water Resources Research Act [of 1984] (Public Law 98-242) [see Short Title note above] is amended by adding at the end thereof the following new title:

“TITLE III—OGALLALA AQUIFER RESEARCH AND DEVELOPMENT

“SEC. 301. (a) There is hereby established the High Plains Study Council composed of—

“(1) the Governor of each State of the High Plains region (defined for the purposes of this title as the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming and referred to hereinafter in this title as the “High Plains region”), or a designee of the Governor;

“(2) a representative of the Department of Agriculture; and

“(3) a representative of the Secretary.

“(b) The Council established pursuant to this section shall—

“(1) review research work being performed by each State committee established under section 302 of this Act; and

“(2) coordinate such research efforts to avoid duplication of research and to assist in the development of research plans within each State of the High Plains region that will benefit the research needs of the entire region.

“SEC. 302. (a) The Secretary shall establish within each State of the High Plains region an Ogallala aquifer technical advisory committee (hereinafter in this title referred to as the “State committee”). Each State committee shall be composed of no more than seven members, including—

“(1) a representative of the United States Department of Agriculture;

“(2) a representative of the Secretary; and

“(3) at the appointment of the Governor of the State, five representatives from agencies of that State having jurisdiction over water resources, the agricultural community, the State Water Research Institute (as designated under this Act [see Short Title note above]), and others with a special interest or expertise in water resources.

“(b) The State committee established pursuant to subsection (a) of this section shall—

“(1) review existing State laws and institutions concerning water management and, where appropriate, recommend changes to improve State or local management capabilities and more efficiently use the waters of such State, if such a review is not already being undertaken by the State;

“(2) establish, in coordination with other State committees, State priorities for research and demonstration projects involving water resources; and

“(3) provide public information, education, extension, and technical assistance on the need for water conservation and information on proven and cost-effective water management.

“(c) Each State committee established pursuant to this section shall elect a chairman, and shall meet at least once every three months at the call of the chairman, unless the chairman determines, after consultation with a majority of the members of the committee, that such a meeting is not necessary to achieve the purposes of this section.

“SEC. 303. The Secretary shall annually allocate among the States of the High Plains region funds authorized to be appropriated for this section for research in—

“(1) water-use efficiency;

“(2) cultural methods;

“(3) irrigation technologies;

“(4) water-efficient crops; and

“(5) water and soil conservation.

“Funds distributed under this section shall be allocated to each State committee for use by institutions of higher education within each State. To qualify for funds under this section an institution of higher education shall submit a proposal to the State committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State committee on the basis of merit.

“SEC. 304. The Secretary shall annually divide funds authorized to be appropriated under this section among the States of the High Plains region for research into—

“(1) precipitation management;

“(2) weather modification;

“(3) aquifer recharge opportunities;

“(4) saline water uses;

“(5) desalination technologies;

“(6) salt tolerant crops; and

“(7) ground water recovery.

“Funds distributed under this section shall be allocated by the Secretary to the State committee for distribution to institutions of higher education within such State. To qualify for a grant under this section, an institution of higher education shall submit a research proposal to the State committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State committee on the basis of merit.

“SEC. 305. The Secretary shall annually allocate among the States of the High Plains region funds authorized to be appropriated under this section for grants to farmers for demonstration projects for—

“(1) water-efficient irrigation technologies and practices;

“(2) soil and water conservation management systems; and

“(3) the growing and marketing of more water-efficient crops.

“Grants under this section shall be made by each State committee in amounts not to exceed 85 percent of the cost of each demonstration project. To qualify for a grant under this section, a farmer shall submit a proposal to the State committee describing the costs, methods, and goals of the proposed project. Proposals shall be selected by the State committee on the basis of merit. Each State committee shall monitor each demonstration project to assure proper implementation and make the results of the project available to other State committees.

“SEC. 306. The Secretary, acting through the United States Geological Survey and in cooperation with the

States of the High Plains region, is authorized and directed to monitor the levels of the Ogallala aquifer, and report biennially to Congress. [As amended Pub. L. 104-66, title I, § 1082(a)(1), Dec. 21, 1995, 109 Stat. 721.]

“SEC. 307. The amount of any allocation of funds to a State under this title shall not exceed 75 percent of the cost of carrying out the purposes for which the grant is made.

“SEC. 308. Not later than one year after the date of enactment of this title [Nov. 17, 1986], and at intervals of 2 years thereafter, the Secretary shall prepare and transmit to the Congress a report on activities undertaken under this title. [As amended Pub. L. 104-66, title I, § 1082(a)(2), Dec. 21, 1995, 109 Stat. 721.]

“SEC. 309. (a) For each of the fiscal years ending September 30, 1987, through September 30, 1995, the following sums are authorized to be appropriated to the Secretary to implement the following sections of this title, and such sums shall remain available until expended:

“(1) \$600,000 for the purposes of section 302;

“(2) \$4,300,000 for the purposes of section 303;

“(3) \$2,200,000 for the purposes of section 304;

“(4) \$5,300,000 for the purposes of section 305; and

“(5) \$600,000 for the purposes of section 306.

“(b) Funds made available under this title for distribution to the States of the High Plains region shall be distributed equally among the States.” [As amended Pub. L. 101-397, § 1(o), Sept. 28, 1990, 104 Stat. 854.]

[For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 17th and 18th items on page 72 identify reporting provisions which, as subsequently amended, are contained in sections 306 and 308 of Pub. L. 98-242, set out in the note above), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.]

#### DESALTING PLANTS

Pub. L. 95-84, § 2, Aug. 2, 1977, 91 Stat. 400; Pub. L. 95-467, title II, § 205(a), (b), Oct. 17, 1978, 92 Stat. 1311; Pub. L. 96-457, § 3, Oct. 15, 1980, 94 Stat. 2032; Pub. L. 98-242, title I, § 110(a), Mar. 22, 1984, 98 Stat. 101, provided that:

“(a) The Secretary of the Interior is authorized and directed to demonstrate the engineering and economic viability of membrane and phase-change desalting processes. Such demonstrations shall include the study, design, construction, operation, and maintenance of desalting plants at locations in the United States (which may include the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, the Mariana Islands, and the Trust Territory of the Pacific Islands): *Provided*, That at least two such plants shall demonstrate desalting of brackish ground water: *And provided further*, That the plants constructed pursuant to this section shall be for the purpose of showing that the technology being demonstrated is ready for application; such plants shall be sufficient to demonstrate the specific application of the technology, and shall be significantly different in operation and process so as not to duplicate any other demonstration plant constructed pursuant to this section. The Secretary is further authorized to conduct such demonstrations or any portion thereof by means of cooperative agreements (as defined and authorized by [former] 41 U.S.C. 504 et seq. (the Federal Grant and Cooperative Agreement Act of 1977; Public Law 95-224) [see 31 U.S.C. 6301 et seq.]) with duly authorized non-Federal public entities. Title to demonstration facilities constructed by the non-Federal public entity under a cooperative agreement shall vest in the non-Federal public entity.

“(b) Funds appropriated pursuant to the authority provided by this section [this note] 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 [now Committee on Natural Resources] 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, how the plant being proposed differs from others, if any, already constructed under this section, 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 be accompanied by a proposed contract (or cooperative agreement) between the Secretary and a duly authorized non-Federal entity, in which such entity shall agree to provide not less than 15 per centum and not more than 35 per centum of the total cost of the demonstration; such cost to include, without being limited to, necessary water rights, water supplies, rights-of-way, power source interconnections, brine disposal facilities, land, construction, ancillary facilities, and the operation and maintenance costs for a period of four years following final acceptance of the construction of the plant from the plant contractor. The contributions of the non-Federal entity under such proposed contract may be in-kind. During the participation by the Secretary in the construction and the operation and maintenance of such demonstration, access to the demonstration and its operating data will not be denied to the Secretary or his representatives. The period of participation by the Secretary in the operation and maintenance of any such demonstration shall be four years. The Secretary is authorized to include in the proposed contract a provision for conveying, as appropriate, and in such amounts as are appropriate, rights, title, and interest of the Federal Government in the demonstration project to the non-Federal public entity.

“(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 \$50,000,000 to finance the total Federal share of the cost of the demonstration plants authorized by this section; such cost to include, without being limited to, necessary water rights, water supplies, rights-of-way, power source interconnections, brine disposal facilities, land, construction, ancillary facilities, and the operation and maintenance costs for the four-year period of Federal participation in such costs.

“(d) When appropriations have been made for the commencement or continuation of design, construction, or operation and maintenance of any demonstration plant authorized under this Act [this note], the Secretary may, in connection with such design, construction, or operation and maintenance, enter into contracts and cooperative agreements for miscellaneous services, for materials and supplies, as well as for construction, which may cover such periods of time as the Secretary may consider necessary but in which the liability of the United States shall be contingent upon appropriations being made therefor.”

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

### § 10302. Congressional declaration of purpose

It is the purpose of this chapter to assist the Nation and the States in augmenting their water resources science and technology as a way to—

(1) assure supplies of water sufficient in quantity and quality to meet the Nation's ex-

panding needs for the production of food, materials, and energy;

(2) discover practical solutions to the Nation's water and water resources related problems, particularly those problems related to impaired water quality;

(3) assure the protection and enhancement of environmental and social values in connection with water resources management and utilization;

(4) promote the interest of State and local governments as well as private industry in research and the development of technology that will reclaim waste water and to convert saline and other impaired waters to waters suitable for municipal, industrial, agricultural, recreational, and other beneficial uses;

(5) promote more effective coordination of the Nation's water resources research program;

(6) promote the development of a cadre of trained research scientists, engineers, and technicians for future water resources problems; and

(7) encourage long-term planning and research to meet future water management, quality, and supply challenges.

(Pub. L. 98-242, title I, §103, Mar. 22, 1984, 98 Stat. 97; Pub. L. 101-397, §1(a), Sept. 28, 1990, 104 Stat. 852; Pub. L. 104-147, §2, May 24, 1996, 110 Stat. 1375.)

### Editorial Notes

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 98-242, Mar. 22, 1984, 98 Stat. 97, known as the Water Resources Research Act of 1984. For complete classification of this Act to the Code, see Short Title note set out under section 10301 of this title and Tables.

#### AMENDMENTS

1996—Par. (5). Pub. L. 104-147, §2(1), struck out “to” before “promote” and “and” after “program;”.

Par. (6). Pub. L. 104-147, §2(2), substituted “; and” for period at end.

Par. (7). Pub. L. 104-147, §2(3), added par. (7).

1990—Par. (5). Pub. L. 101-397 substituted “to promote more effective coordination of” for “coordinate more effectively”.

### § 10303. Water resources research and technology institutes

#### (a) Establishment; designation of site by State legislature or Governor

Subject to the approval of the Secretary of the Interior (hereafter in this chapter referred to as the “Secretary”) under this section, one water resources research and technology institute, center, or equivalent agency (hereafter in this chapter referred to as the “institute”) may be established in each State (as used in this chapter, the term “State” includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands and the Federated States of Micronesia) at a college or university which was established in accordance with the Act approved July 2, 1862 (12 Stat. 503) [7 U.S.C. 301 et seq.], or at some other institu-