AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 5352

To amend the Water Infrastructure Improvements for the Nation Act and the Water Desalination Act of 1996 to reauthorize certain desalination programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. LEE (for himself and Mr. PADILLA)

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Desalination Reauthorization Act''.

SEC. 2. DESALINATION PROGRAM REAUTHORIZATION.

(a) DURATION.—Section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) is amended—

(1) in the matter preceding paragraph (1), by striking ''its enactment'' and inserting ''enactment of this Act'';

(2) in paragraph (1), by striking ''the date of its enactment; and'' and inserting ''that date of enactment;''; and

(3) in paragraph (2), by striking ''in sections 4007, 4009(a), and 4009(c).'' and inserting the following: ''under section 4007 or the amendment made by section 4009(c); and

''(3) projects carried out under paragraph (2) of section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) (as amended by section 4009(a)), which shall expire on the date that is 15 years after that date of enactment.''.

(b) DESALINATION DEMONSTRATION AND DEVELOPMENT.—Section 4(a)(2) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) DEFINITION OF ELIGIBLE DESALINATION PROJECT.—In this paragraph, the term 'eligible desalination project' means a project—

"(i)(I) that is located in a Reclamation State; or

"(II) the construction, operation, sponsorship, or funding of which is the responsibility of, and the primary water supply benefit of which accrues to, 1 or more entities in a Reclamation State;

"(ii) that involves an ocean or brackish water desalination facility—

"(I) constructed, operated, and maintained by a State, Indian Tribe, irrigation district, water district, or other organization with water or power delivery authority; or

"(II) sponsored or funded by any combination of a State, department of a State, political subdivision of a State, or public agency organized pursuant to State law, including through direct sponsorship or funding of not less than 25 percent of the planning, design, and construction costs of the project, including through in-kind contributions; and

"(iii) that provides a Federal benefit in accordance with the reclamation laws (including regulations).

"(B) PARTICIPATION BY SECRETARY.—

"(i) IN GENERAL.—Subject to the requirements of this subsection, the Secretary 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.

"(ii) NO PROJECT COST CAP.—The Secretary shall not impose any dollar limitation on participation in an eligible desalination project under this subparagraph.".

(c) DESALINATION RESEARCH PROGRAM.—

(1) DEFINITIONS.—Section 2 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2), (3), (5), (6), and (4), respectively, and moving the paragraphs so as to appear in numerical order; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) ADVANCED PILOT.—The term 'advanced pilot' means applied research to develop and operate advanced pilot desalination technologies and first-of-a-kind systems in realistic operating environments to establish technical feasibility and validate the technical performance and levelized cost of processes for converting saline water (including brackish water) or wastewater into water suitable for beneficial uses and cost-effectively treating or disposing of brine discharges.''.

(2) INCLUSION OF ADVANCED PILOTS.—Section 3(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(A) in the matter preceding paragraph (1), in the first sentence, by striking ''research to develop processes'' and inserting ''research, including through advanced pilots, to develop processes'';

(B) in paragraph (8), by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(10) testing advanced pilots, focusing on the priorities described in subsection (e).''.

(d) COST SHARING.—Section 7 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended, in the first sentence, by striking ''study, or'' and inserting ''study, advanced pilot, or''.

(e) GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—Section 8(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended, in the second sentence, by striking ''$1,000,000'' and inserting ''$2,500,000''.