The original documents are located in Box 26, folder "1975/06/19 HR3109 Annual Authorization of Appropriations Saline Water Program" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE WASHINGTON

June 17, 1975

ACTION

Last Day: June 21

Posted 6/21

6/23 FROM:

THE PRESIDE JIM CANNON

SUBJECT:

Enrolled Bill H.R. 3109 - Annual Authorization of Appropriations, Saline Water Program

Attached for your consideration is H.R. 3109, sponsored by Representative Johnson, which authorizes appropriations of \$4,100,000 to carry out the saline water conversion program of the Interior Department during FY 76.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Phil Buchen (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 3109 at Tab B.



EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET WASHINGTON, D.C. 20503

JUN 1 8 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3109 - Annual authorization of appropriations, saline water program Sponsor - Rep. Johnson (D) California

Last Day for Action

June 21, 1975 - Saturday

Purpose

Authorizes appropriations in the amount of \$4,100,000 to carry out the saline water conversion program of the Interior Department during fiscal year 1976.

Agency Recommendations

Office of Management and Budget Approval

Department of the Interior

Approval

Discussion

Since 1952, the Interior Department has conducted a program to develop methods and processes for low-cost desalting of seawater and brackish water. The current authority for this program is the Saline Water Conversion Act of 1971, which provides that authorization of appropriations be obtained annually.

For the first 21 years of the program's operation, the Administration requested, and the Congress appropriated, some \$25-30 million annually. But the Executive Branch deemphasized this program beginning in 1974, and your fiscal 1976 budget proposal includes just \$3 million for this purpose. During the past year, the Office of Saline Water which administered this program has been merged into a new Office of Water Resources Research and Technology, but despite this administrative consolidation there still needs to be specific authorization for amounts needed for saline water conversion activities.

Interior opposed enactment of H.R. 3109 in testimony and recommended instead enactment of its legislative proposal that would strengthen the consolidation referred to above and, among other things, obviate the need for annual authorizations of this type.

However, as Interior states in its enrolled bill letter, it is "exceedingly unlikely" that action will be taken on its proposal before the current saline water authorization expires on June 30.

We will continue to work with the Department and the Congress to obtain enactment of the consolidation proposal and to hold the actual appropriation to the \$3 million contained in your fiscal 1976 budget.

James m. Trey

Assistant Director for Legislative Reference

Enclosures





EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET WASHINGTON, D.C. 20503

JUN 1 8 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3109 - Annual authorization of appropriations, saline water program Sponsor - Rep. Johnson (D) California

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THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

400pm

Date: June 16, 1975

Time: 603pm

FOR ACTION: Norm Ross Max Friedersdorf Ken Lazarus M cc (for information):

Time:

Jim Cavanaugh JackMMarsh

FROM THE STAFF SECRETARY

DUE: Date: June 17, 1975

SUBJECT:

Enrolled Bill H.R. 3109 - Annual Authorization of appropriations, saline water program

ACTION REQUESTED:

_ For Necessary Action

____ Prepare Agenda and Brief

For Your Recommendations

____ Draft Reply

K For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR. For the President



United States Department of the Interior

OFFICE OF THE SECRETARY WASHINGTON, D.C. 20240

JUN 1 2 1975

Dear Mr. Lynn:

This responds to your request for the views of this Department on an enrolled bill, H.R. 3109, "To authorize appropriations for the saline water conversion program for fiscal year 1976."

We recommend that the President approve the enrolled bill. We recommend further, however, that no more than \$3,000,000 be appropriated for the purpose authorized. This is consistent with the President's fiscal year 1976 budget request.

H.R. 3109 would provide the funding for the continuation of the saline water program for fiscal year 1976 pursuant to the Saline Water Conversion Act of 1971 (85 Stat. 159, P.L. 92-60).

The Administration has proposed legislation, which has been introduced in the 94th Congress as S. 1301, which would repeal the Saline Water Conversion Act of 1971 and would combine into a new office of Water Research and Technology the functions authorized by that Act with those functions authorized under the Water Resources Research Act of 1964 (P.L. 88-379). We fully support this legislative proposal. The proposed legislation, if enacted, would obviate the necessity for an annual authorization bill, such as H.R. 3109, to fund the saline water program.

It is exceedingly unlikely, however, that any action will be taken on S. 1301 before the current authorization for appropriations will expire, on June 30, 1975. Nor is it by any means certain that Congressional action would be favorable, whenever it may occur.

Therefore the continued funding of the saline water program for fiscal year 1976 will depend upon the President's approval of H.R. 3109.



Save Energy and You Serve America!

Subject to the limitation on appropriations to \$3,000,000, we recommend approval of the bill.

Sincerely yours,

or

Honorable James T. Lynn Director Office of Management and Budget Washington, D.C. 20503



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO .:

Date: June 16, 1975

Time: 603pm

FOR ACTION: Norm Ross Max Friedersdorf Ken Lazarus çe (for information):

Jim Cavanaugh Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: June 17, 1975

Time: 400pm

SUBJECT:

Enrolled Bill H.R. 3109 - Annual Authorization of appropriations, saline water program

ACTION REQUESTED:

_____ For Necessary Action

x For Your Recommendations

____ Prepare Agenda and Brief

_____ For Your Comments

Draft Remarks

____ Duli Reply

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 6/17/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary Lamediately.

Janes H. Corrupt de Forthe State

THE	WHITE	HOUSE
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ACTION MEMORANDUM-

WASHINGTON

LOG NO .:

Date: June 16, 1975

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FOR ACTION: Norm Ross 6 Max Friedersdorf Ken Lazarus

cc (for information):

Jim Cavanaugh Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: June 17, 1975

Time: 400pm

SUBJECT:

Enrolled Bill H.R. 3109 - Annual Authorization of appropriations, saline water program

ACTION REQUESTED:

_____ For Necessary Action

* For Your Recommendations

____ Prepare Agenda and Brief

____ Draft Remarks

X For Your Comments

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

SK mp

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Janos H. Caregorit For the Predictory

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

MAX L. FRIEDERSDORF $M \cdot (\gamma \cdot$

SUBJECT:

Enrolled Bill H.R. 3109 - Annual Authorization of appropriations, saline water program

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed.

Attachments

) S

94TH CONGRESS

1st Session

SENATE

Report No. 94–154

Calendar No.151

FISCAL YEAR 1976 SALINE WATER CONVERSION PROGRAM AUTHORIZATION OF APPROPRIATIONS

MAY 22, 1975.—Ordered to be printed

Mr. CHURCH, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 3109]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 3109) to authorize appropriations for the saline water program for fiscal year 1976, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of this measure is to authorize appropriations for fiscal year 1976 for the Federal saline water conversion program conducted by the Secretary of the Interior.

BACKGROUND

With the passage of the Saline Water Act of 1952 (66 Stat. 328, as amended) the Congress envisioned an ambitious program of research on and development of technological solutions directed toward the conversion of saline and brackish waters into a more useful form. Through fiscal year 1967, the Secretary of the Interior carried out a program of general research and development pursuant to the Act of 1952 with authority to construct, operate, and maintain demonstration desalting plants (72 Stat. 1706).

In 1967, the Congress reviewed the operation of the saline water conversion program resulting in the enactment of the Saline Water Conversion Act which was in turn repealed and superseded by the Saline Water Conversion Act of 1971 (85 Stat. 159). The 1971 Act continues authority for a program of research and development of

saline and brackish water conversion technology and the construction, operation, and maintenance of demonstration plants, subject to annual authorization of appropriations, through fiscal year 1977 with a subsequent 3 year phase-out program.

The Office of Saline Water, which formerly administered the saline water conversion program within the Department of the Interior, was abolished in fiscal year 1975 and program functions were merged with those of the Office of Water Resources Research resulting in a "new" office of Water Research and Technology. Proposed funding requests and expenditures for the saline water conversion program appear under the heading of the Office of Water Resources and Technology in the President's fiscal year 1976 budget request to the Congress.

PROPOSED LEGISLATION

As originally introduced, H.R. 3109 would have authorized a \$3 million program for fiscal year 1976 as identified in the President's budget request. Funds appropriated would have been allocated to three program areas:

Research—(\$1,410,000). The fiscal year 1976 basic research program would concentrate on short term development related to desalination of sea water utilizing the reverse osmosis membrane process including the refinement of existing and the development of new membrane materials and configurations. In addition, approximately \$100,000 would be utilized for continuing on freezing and other separation processes.

Technology Development.--(\$750,000). Technology development efforts will concentrate on practical application and development of sea water membrane processes and systems at the Wrightsville Beach. North Carolina test facility. It should be noted that emphasis will be placed on the development of energy saving applications.

Administrative-(\$\$40,000). This amount includes the salaries of the 22 employees (down from 78 three years ago) assigned to the saline water program.

The House Interior and Insular Affairs Committee adopted one amendment to H.R. 3109 increasing the authorization level by \$850. 000. In the Committee Report (House Report No. 94-103), \$700,000 of the increase would be destined for operational testing of the VTE-MSF module in Orange County, California for a full one year period. The module represents a Federal investment of \$5,000,000 and a \$3,-500.000 investment by the Orange County Water District. The module has not yet been operated due to delays in the construction of the energy supply and sea water intake system. The remainder, \$150,000, would be allocated for the freezing process test facility at Wrightsville Beach, North Carolina. This pilot plant represents an investment of \$600,000 and has not been operated at the planned level.

NEED FOR THE PROGRAM

Although the Department of the Interior has not given strong support to the saline water conversion program in recent years, the Committee behaves that an aggressive program of research and development in desalting technologies is as important now as it was when the Congress originally proposed the program. Basic research funded by the Federal Government has already created a viable membrane

It is for the encouragement of a strong desalination industry, canable of competing in world markets, as well as providing needed domestic services, that the Committee supports the enactment of H.R. 3109. COST and shared a law of

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H.R. 3109 would authorize appropriations in the amount of \$3.850.000.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee by unanimous vote of a quorum in open business session on May 14, 1975, recommended that H.R. 3109 be approved without amendment.

EXECUTIVE COMMUNICATIONS

The executive communications regarding H.R. 3109 are set forth in full below:

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY, Washington, D.C., March 6, 1975.

Hon. JAMES A. HALEY,

Chairman. Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter responds to your request for the views of this Department with respect to a bill, H.R. 3109, "To authorize appropriations for the saline water conversion program for fiscal year 1976."

We recommend, instead of H.R. 3109, enactment of the Administration's proposed legislation, "To promote a more comprehensive national program of water resources research and technology development to reorganize certain functions in the Department of the Interior, and for other purposes," which is being forwarded to the Congress. This legislation will accomplish the objectives of H.R. 3109.

H.R. 3109 authorizes appropriations in the amount of \$3,000,000 to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159), for fiscal year 1976.

The Department has proposed legislation which would combine into a new Office of Water Research and Technology those functions authorized by the Saline Water Conversion Act of 1971, Public Law 92-90, and the Water Resources Research Act of 1964, Public Law 88-379, as amended, and in addition it provides for an expanded technology development program. The bill would repeal the Saline Water Conversion Act of 1971 and would obviate the necessity for an annual appropriation bill to fund the saline water program, as was provided in that act.

Although H.R. 3109 would authorize appropriation of the funds provided for by the fiscal year 1976 budget, we prefer enactment of the Administration proposal as a means of carrying out this program.

The Office of Management and Budget has advised that there is no

objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JACK HORTON,

Assistant Secretary of the Interior.

A BILL To promote a more comprehensive national program of water resources research and technology development to reorganize certain functions in the Department of the Interior, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SHORT TITLE

SECTION 1. This act may be cited as the "Water Resources Research and Technology Development Act of 1975."

AMENDMENT OF WATER RESOURCES RESEARCH ACT OF 1964

SEC. 2. The "Water Resources Research Act of 1964", as amended, is further amended to read as follows:

(a) In Title I delete the word "September" in section 102 and insert "December" and in the first sentence of the second paragraph of section 104, delete the word "July" and insert "October."

(b) Substitute the following title II:

TITLE II—WATER RESOURCES RESEARCH AND TECHNOLOGY DEVELOPMENT PROGRAMS

SEC. 200. (a) The Secretary of the Interior is authorized to make grants and finance contracts and matching or other arrangements with qualified educational institutions, private foundations, or other institutions, with private firms, with local, State and Federal agencies and individuals to undertake research into water resources problems of national interest which he may deem to be desirable and are not otherwise being studied.

(b) The Secretary is further authorized to conduct a water resources technology development program which pursues research results through the development of effective structural or nonstructural techniques, methods, proceedures and equipment, and through testing, evaluation and demonstration, to a point where such results can be adopted for practical application to problems of national interest.

(c) Water resources research and technology development programs carried out in accordance with this Title may include, without being limited to: saline water conversion; irrigation and other water use efficiencies; water and related land use planning, operations, management and legal systems; protection and enhancement of the waterbased environmental institutional arrangements; saline water conversion technologies for water reclamation and use; salinity management; and economic, social and environmental impact assessment. Due consideration shall be given to priority problems identified by water and related land resources planning, data acquisition, and like studies conducted by other agencies and organizations.

The Secretary shall cooperate fully with the Administrator of the Environmental Protection Agency to insure that water resources research and development work performed under the Act makes the fullest possible contribution to the improvement of water resources processes and techniques and to avoid in the performance of this Act the duplication of the experience, expertise, and data regarding water resource technologies which have been acquired.

SEC. 201. To carry out the water resources research and technology development programs authorized by this title, the Secretary may:

(a) Foster and participate in conferences relating to water resources research and technology development, and other waterrelated topics, and provide information, advice, and assistance to local, State, Federal and other agencies and organizations in the solution of water and water-related problems.

(b) Engage, by competitive contract or otherwise, chemists, physicists, engineers, and such other personnel as may be deemed necessary, and any educational institution, scientific organization or individual, Government agency, or private firm deemed suitable to do any part of the research, technology development, or other work authorized by this Act, and, correlate and coordinate the research and technology development work of such educational institutions, scientific organizations, and private firms.

(c) Develop and implement technology transfer methodologies as required to assure that the results of research and development undertaken pursuant to this Act can be adopted for practical application by others, including but not limited to the reduction of scientific and technical reports into suitable and understandable formats, and conduct assessments of the impacts of other technology on water resources.

(d) Maintain an awareness through on-site inspection of promising projects and facilities, and cooperate and participate, when the purposes of this Act will be served thereby.

(e) Accept financial and other assistance from any local, State, Federal, and other agency in connection with studies or surveys relating to water problems and facilities, and enter into contracts with regard to such assistance.

(f) Establish and operate facilities as necessary to carry on the research and technology development programs to effectuate the purpose of this Act.

(g) Acquire processes, technical data, inventions, patent applications, patents, licenses, land and interest in land (including water rights), research and technology development equipment and facilities, and other property or rights by purchase, license, lease, or donation.

SEC. 202. There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation acts to carry out the provisions of this title.

(c) Amend Title III as follows:

(i) In section 300 delete the last sentence and insert: "To accomplish this the Secretary shall, in addition to such other actions as may be required, make generally available abstracts and other summary type information concerning water related research accomplishments by all Federal agencies and by non-Federal agencies, private institutions, and individuals, to the extent such information can be obtained, and completed reports on research projects funded under provisions of this Act, including any direct publication of research information undertaken by the Institutes."

(ii) In section 301, following the word "research" wherever it appears, insert the words "and technology development".

(iii) Delete section 303 and insert in lieu:

(iii) Delete section sto and index invention is made in the Section 303. (a) Whenever any invention is made in the performance of any work under any contract covered by this Act, and the Secretary determines that—

(1) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Secretary, unless the Secretary waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into by the Secretary with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Secretary a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(c) No patent may be issued to any applicant other than the Secretary for any invention which appears to the Commissioner of Patents to have significant utility in the conduct of water resources research activities unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Secretary.

(d) Upon any application as to which any such statement has been transmitted to the Secretary, the Commissioner may, if the invention is patentable, issue a patent to the applicant unless the Secretary, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Secretary files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Secretary unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Secretary is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Secretary to the Court of Customs and Patent Appeals in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Secretary thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Secretary within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Secretary of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Secretary unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Secretary under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statue, shall be barred by any failure of the Secretary to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Secretary stating that he had no objection to the issuance of such patent to the applicant therefor.

(f) Under such regulations in conformity with this subsection as the Secretary shall prescribe, he may waiver all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract if the Secretary determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Secretary shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Secretary of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Secretary. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Secretary its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(g) The Secretary shall determine, and promulgate regulations specifying the terms and conditions upon which licenses will be granted by the Secretary for the practice by any person (other than an agency of the United States) of any invention for which the Secretary holds a patent on behalf of the United States.

(h) The Secretary is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Secretary has or may acquire a license of use.

(i) As used in section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity.

(2) the term "contract" means any actual or proposed contract, grant, agreement, understanding, or other arrangement, and includes any assignment, substitution or parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

(iv) In section 307 change "200" to read "202".

SEC. 3. The Saline Water Conversion Act of 1971 (Public Law 92t60) is hereby repealed.

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т.,

Rinety-fourth Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the fourteenth day of January, one thousand nine hundred and seventy-five

An Act

To authorize appropriations for the saline water conversion program for fiscal year 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated, to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159) during fiscal year 1976, the sum of \$4,100,000 to remain available until expended.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate. June 10, 1975

Dear Mr. Director:

The following bills were received at the White House on June 10th:

> S.J. Res. 92 S. 818 H.R. 3109 H.R. 4700

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder Chief Executive Clerk

The Honorable James T. Lynn Director Office of Management and Budget Washington, D. C. 3