Union Calendar No. 12

113TH CONGRESS
1ST SESSION

H. R. 678
[Report No. 113–24]

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2013

Mr. Tipton (for himself, Mr. Gosar, Mr. Costa, Mr. McClintock, Mr. Smith of Nebraska, Mr. Amodei, Mr. Cramer, Mrs. Lummis, and Mr. Coffman) introduced the following bill; which was referred to the Committee on Natural Resources

MARCH 25, 2013

Additional sponsors: Mr. Gardner, Mr. Daines, and Mr. LaMalfa

MARCH 25, 2013

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed
A BILL

To authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.
Be it enacted by the Senate and House of Represen-
tatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bureau of Reclamation
Small Conduit Hydropower Development and Rural Jobs
Act”.

SEC. 2. AUTHORIZATION.

Section 9(c) of the Reclamation Project Act of 1939
(43 U.S.C. 485h(c)) is amended—

(1) by striking “The Secretary is authorized to
enter into contracts to furnish water” and inserting
the following:

“(1) The Secretary is authorized to enter into
contracts to furnish water”;

(2) by striking “(1) shall” and inserting “(A)
shall”;

(3) by striking “(2) shall” and inserting “(B)
shall”;

(4) by striking “respecting the terms of sales of
electric power and leases of power privileges shall be
in addition and alternative to any authority in exist-
ing laws relating to particular projects” and insert-
ing “respecting the sales of electric power and leases
of power privileges shall be an authorization in addi-
tion to and alternative to any authority in existing
laws related to particular projects, including small conduit hydropower development”; and

(5) by adding at the end the following:

“(2) When carrying out this subsection, the Secretary shall first offer the lease of power privilege to an irrigation district or water users association operating the applicable transferred work, or to the irrigation district or water users association receiving water from the applicable reserved work. The Secretary shall determine a reasonable time frame for the irrigation district or water users association to accept or reject a lease of power privilege offer.


“(4) The Power Resources Office of the Bureau of Reclamation shall be the lead office of small conduit hydropower activities conducted under this subsection.

“(5) Nothing in this subsection shall obligate the Western Area Power Administration, the Bonneville Power Administration, or the
Southwestern Power Administration to purchase or market any of the power produced by the facilities covered under this subsection and none of the costs associated with production or delivery of such power shall be assigned to project purposes for inclusion in project rates.

“(6) Nothing in this subsection shall alter or impede the delivery and management of water by Bureau of Reclamation facilities, as water used for conduit hydropower generation shall be deemed incidental to use of water for the original project purposes. Lease of power privilege shall be made only when, in the judgment of the Secretary, the exercise of the lease will not be incompatible with the purposes of the project or division involved, nor shall it create any unmitigated financial or physical impacts to the project or division involved, and shall be on such terms and conditions as in the judgment of the Secretary in consultation with the appropriate irrigation district or water users association, will adequately protect the planning, design, construction, operation, maintenance, and other interests of the United States and the project or division involved.
“(7) Nothing in this subsection shall alter or affect any existing agreements for the development of conduit hydropower projects or disposition of revenues.

“(8) In this subsection:

“(A) CONDUIT.—The term ‘conduit’ means any Bureau of Reclamation tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

“(B) IRRIGATION DISTRICT.—The term ‘irrigation district’ means any irrigation, water conservation, multicounty water conservation district, or any separate public entity composed of two or more such districts and jointly exercising powers of its member districts.

“(C) RESERVED WORK.—The term ‘reserved work’ means any conduit that is included in project works the care, operation, and maintenance of which has been reserved by the Secretary, through the
Commissioner of the Bureau of Reclamation.

“(D) TRANSFERRED WORK.—The term ‘transferred work’ means any conduit that is included in project works the care, operation, and maintenance of which has been transferred to a legally organized water users association or irrigation district.

“(E) SMALL CONDUIT HYDROPOWER.—The term ‘small conduit hydropower’ means a facility capable of producing 5 megawatts or less of electric capacity.”.
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