

Calendar No. 988

110TH CONGRESS
2D SESSION

S. 2842

To require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2008

Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Aging Water Infra-
3 structure and Maintenance Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **INSPECTION.**—The term “inspection”
7 means an inspection of a project facility carried out
8 by the Secretary—

9 (A) to assess and determine the general
10 condition of the project facility; and

11 (B) to estimate the value of property; and
12 the size of the population; that would be at risk
13 if the project facility fails; is breached; or other-
14 wise allows flooding to occur.

15 (2) **PROJECT FACILITY.**—The term “project fa-
16 cility” means any part or incidental feature of a rec-
17 lamation or irrigation project (including any canal,
18 levee, tunnel, dike, pumping plant, dam, or res-
19 ervoir) that is—

20 (A) under the jurisdiction of the Secretary
21 (including any facility owned by the Depart-
22 ment of the Interior); and

23 (B) not covered by the Reclamation Safety
24 of Dams Act of 1978 (43 U.S.C. 506 et seq.).

25 (3) **RESERVED PROJECT FACILITY.**—The term
26 “reserved project facility” means any project facility

1 at which the Secretary carries out the operation and
 2 maintenance of the project facility.

3 ~~(4) SECRETARY.~~—The term “Secretary” means
 4 the Secretary of the Interior, acting through the
 5 Commissioner of Reclamation.

6 ~~(5) TRANSFERRED PROJECT FACILITY.~~—The
 7 term “transferred project facility” means a project
 8 facility the operation and maintenance of which is
 9 carried out by a non-Federal entity.

10 **SEC. 3. INSPECTION OF PROJECT FACILITIES.**

11 ~~(a) INSPECTIONS.~~—

12 ~~(1) INITIAL INSPECTION PERIOD.~~—

13 ~~(A) IN GENERAL.~~—In accordance with
 14 subparagraph (B), not later than 1 year after
 15 the date of enactment of this Act, the Secretary
 16 shall conduct an inspection of not less than 75
 17 percent of all project facilities.

18 ~~(B) SELECTION OF PROJECT FACILI-~~
 19 ~~TIES.~~—In selecting project facilities to inspect
 20 during the initial inspection period under sub-
 21 paragraph (A), the Secretary shall take into ac-
 22 count the risk posed by each project facility to
 23 public health or safety, or property.

24 ~~(2) FINAL INSPECTION PERIOD.~~—Not later
 25 than 2 years after the date of enactment of this Act,

1 the Secretary shall conduct an inspection of each
 2 project facility not inspected by the Secretary during
 3 the initial inspection period under paragraph (1)(A).

4 ~~(3) REIMBURSEMENT RELATING TO INSPEC-~~
 5 ~~TIONS OF TRANSFERRED PROJECT FACILITIES.—~~

6 Notwithstanding any applicable law (including regu-
 7 lations), with respect to an inspection of a trans-
 8 ferred project facility carried out under this sub-
 9 section, the Secretary may not request from the non-
 10 Federal entity that carries out the operation and
 11 maintenance of the transferred project facility reim-
 12 bursement for costs arising from the inspection.

13 ~~(4) PERIODIC REVIEW OF INSPECTIONS.—~~Not
 14 later than 3 years after the date described in para-
 15 graph (2) and every 3 years thereafter, the Sec-
 16 retary shall carry out a review of each inspection
 17 carried out under paragraphs (1) and (2).

18 ~~(b) USE OF INSPECTION DATA.—~~The Secretary shall
 19 use the data collected by the Secretary through the con-
 20 duct of the inspections under paragraphs (1) and (2) of
 21 subsection (a)—

22 ~~(1) to develop for each reserved project facility~~
 23 ~~a detailed schedule for the conduct of regular main-~~
 24 ~~tenance;~~

1 (2) to develop for, and provide to, each non-
 2 Federal entity that carries out the operation and
 3 maintenance of a transferred project facility—

4 (A) a detailed schedule for the conduct of
 5 regular maintenance; and

6 (B) a document that contains guidance de-
 7 scribing the manner by which to comply with
 8 the schedule described in subparagraph (A);
 9 and

10 (3) to create a national priorities list that con-
 11 tains a description of each project facility that re-
 12 quires the most urgent maintenance with respect to
 13 the infrastructure of the project facility.

14 (c) NATIONAL PRIORITIES LIST.—

15 (1) ANNUAL REVIEW.—Not later than 1 year
 16 after the date on which the Secretary develops the
 17 national priorities list under subsection (b)(3) and
 18 annually thereafter, the Secretary shall carry out a
 19 review of each project facility to update the list for
 20 the year covered by the review.

21 (2) PUBLICATION.—The national priorities list
 22 shall be published by the Secretary in the budget
 23 justification of the Department of the Interior for
 24 the year covered by the national priorities list.

1 (d) STATE PARTICIPATION.—In conducting an in-
 2 spection of a project facility under subsection (a), the Sec-
 3 retary shall—

4 (1) notify the appropriate State agency of the
 5 State in which the project facility is located of the
 6 inspection;

7 (2) allow the State agency described in para-
 8 graph (1) to participate in the inspection of the
 9 project facility; and

10 (3) provide to the State agency described in
 11 paragraph (1) a report that describes the results of
 12 the inspection of the project facility.

13 **SEC. 4. FEDERAL STANDARDS AND GUIDELINES FOR**
 14 **PROJECT FACILITIES.**

15 (a) PROMULGATION OF STANDARDS.—

16 (1) IN GENERAL.—Not later than 180 days
 17 after the date of enactment of this Act, in accord-
 18 ance with paragraph (2), the Secretary shall promul-
 19 gate final regulations to establish standards for the
 20 condition and maintenance of project facilities.

21 (2) CONTENTS.—The regulations promulgated
 22 by the Secretary under paragraph (1) shall contain
 23 a detailed description of each condition with which
 24 a project facility shall comply to be eligible to be
 25 considered by the Secretary—

1 (A) to function properly and in accordance
2 with the objectives of the project facility; and

3 (B) to operate in a manner to ensure, to
4 the maximum extent practicable—

5 (i) the safety of populations located in
6 close proximity to the project facility; and

7 (ii) the preservation of property lo-
8 cated in close proximity to the project fa-
9 cility.

10 (b) PROMULGATION OF GUIDELINES.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, in accordance
13 with paragraph (2), the Secretary shall promulgate
14 final regulations to establish guidelines—

15 (A) to implement this Act; and

16 (B) to ensure compliance with the regula-
17 tions promulgated by the Secretary under sub-
18 section (a).

19 (2) CONTENTS.—The regulations promulgated
20 by the Secretary under paragraph (1) shall reflect
21 an agency-wide policy with respect to the type, and
22 proportion of, activities relating to the operation and
23 maintenance of a project facility that may be appro-
24 priately carried out by a non-Federal entity, taking
25 into account—

1 ~~(A)~~ any economic benefit that may result
 2 from the carrying out of the activities by a non-
 3 Federal entity; and

4 ~~(B)~~ the capabilities of the non-Federal en-
 5 tity to carry out the activities.

6 **SEC. 5. MODIFICATION OF PROJECT FACILITIES.**

7 ~~(a) IN GENERAL.~~—The Secretary shall carry out or,
 8 in accordance with subsection (b), provide to a non-Fed-
 9 eral entity financial support to carry out, any modification
 10 to a project facility that the Secretary determines to be
 11 reasonably required to preserve the structural safety of the
 12 project facility.

13 ~~(b) REIMBURSEMENT OF COSTS ARISING FROM THE~~
 14 ~~REPAIR OF STRUCTURALLY DEFICIENT TRANSFERRED~~
 15 ~~PROJECT FACILITIES.—~~

16 ~~(1) COMPLIANT TRANSFERRED PROJECT FA-~~
 17 ~~CILITIES.—~~

18 ~~(A) IN GENERAL.~~—Subject to subpara-
 19 graph (B), to reimburse a non-Federal entity
 20 for costs arising from the carrying out of repair
 21 activities to improve the safety of a transferred
 22 project facility, the Secretary may provide to
 23 the non-Federal entity an amount equal to 65
 24 percent of the costs incurred by the non-Fed-
 25 eral entity to carry out the repair activities.

~~(B) DETERMINATION OF SECRETARY.—~~

The Secretary shall reimburse the non-Federal entity described in subparagraph (A) if the Secretary determines that—

(i) the transferred project facility of the non-Federal entity is structurally deficient; and

(ii) the structural deficiency is not a result of noncompliance with any regulation promulgated by the Secretary under section 4.

~~(2) NONCOMPLIANT TRANSFERRED PROJECT FACILITIES.—~~

~~(A) IN GENERAL.—~~The Secretary may carry out any repair activity that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property—

(i) if the Secretary determines that—

(I) the transferred project facility is structurally deficient; and

(II) the structural deficiency is a result of noncompliance with any regulation promulgated by the Secretary under section 4; and

1 (ii) after the date on which the Sec-
 2 retary consults with the non-Federal entity
 3 that carries out the operation and mainte-
 4 nance of the transferred project facility.

5 (B) REIMBURSEMENT.—In accordance
 6 with any applicable law (including regulations)
 7 or agreement, the Secretary may seek reim-
 8 bursement from the non-Federal entity that
 9 carries out the operation and maintenance of
 10 the transferred project facility described in sub-
 11 paragraph (A) for costs arising from each re-
 12 pair activity carried out by the Secretary under
 13 that subparagraph.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) INSPECTION OF PROJECT FACILITIES.—There
 16 are authorized to be appropriated to the Secretary to carry
 17 out section 3—

18 (1) \$5,000,000 for fiscal year 2009; and
 19 (2) \$1,500,000 for each of fiscal years 2010
 20 through 2013.

21 (b) MODIFICATION OF PROJECT FACILITIES.—There
 22 are authorized to be appropriated such sums as are nec-
 23 essary to carry out section 5.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Aging Water Infrastruc-*
3 *ture and Maintenance Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *INSPECTION.*—*The term “inspection” means*
7 *an inspection of a project facility carried out by the*
8 *Secretary—*

9 (A) *to assess and determine the general con-*
10 *dition of the project facility; and*

11 (B) *to estimate the value of property, and*
12 *the size of the population, that would be at risk*
13 *if the project facility fails, is breached, or other-*
14 *wise allows flooding to occur.*

15 (2) *PROJECT FACILITY.*—*The term “project facil-*
16 *ity” means any part or incidental feature of a*
17 *project, excluding high- and significant-hazard dams,*
18 *constructed under the Federal reclamation law (the*
19 *Act of June 17, 1902 (32 Stat. 388, chapter 1093),*
20 *and Acts supplemental to and amendatory of that Act*
21 *(43 U.S.C. 371 et seq.).*

22 (3) *RESERVED WORKS.*—*The term “reserved*
23 *works” mean any project facility at which the Sec-*
24 *retary carries out the operation and maintenance of*
25 *the project facility.*

1 (4) *SECRETARY.*—*The term “Secretary” means*
 2 *the Secretary of the Interior, acting through the Com-*
 3 *missioner of Reclamation.*

4 (5) *TRANSFERRED WORKS.*—*The term “trans-*
 5 *ferred works” means a project facility, the operation*
 6 *and maintenance of which is carried out by a non-*
 7 *Federal entity, under the provisions of a formal oper-*
 8 *ation and maintenance transfer contract.*

9 (6) *TRANSFERRED WORKS OPERATING ENTITY.*—
 10 *The term “transferred works operating entity” means*
 11 *the organization which is contractually responsible*
 12 *for operation and maintenance of transferred works.*

13 (7) *EXTRAORDINARY OPERATION AND MAINTENANCE*
 14 *WORK.*—*The term “extraordinary operation*
 15 *and maintenance work” means major, nonrecurring*
 16 *maintenance to Reclamation-owned or operated facili-*
 17 *ties, or facility components, that is—*

18 (A) *intended to ensure the continued safe,*
 19 *dependable, and reliable delivery of authorized*
 20 *project benefits; and*

21 (B) *greater than 10 percent of the contrac-*
 22 *tor’s or the transferred works operating entity’s*
 23 *annual operation and maintenance budget for*
 24 *the facility, or greater than \$100,000.*

1 **SEC. 3. GUIDELINES AND INSPECTION OF PROJECT FACILI-**
2 **TIES AND TECHNICAL ASSISTANCE TO TRANS-**
3 **FERRED WORKS OPERATING ENTITIES.**

4 *(a) GUIDELINES AND INSPECTIONS.—*

5 *(1) DEVELOPMENT OF GUIDELINES.—Not later*
6 *than 1 year after the date of enactment of this Act,*
7 *the Secretary in consultation with transferred works*
8 *operating entities shall develop, consistent with exist-*
9 *ing transfer contracts, specific inspection guidelines*
10 *for project facilities which are in proximity to urban-*
11 *ized areas and which could pose a risk to public safe-*
12 *ty or property damage if such project facilities were*
13 *to fail.*

14 *(2) CONDUCT OF INSPECTIONS.—Not later than*
15 *3 years after the date of enactment of this Act, the*
16 *Secretary shall conduct inspections of those project fa-*
17 *cilities, which are in proximity to urbanized areas*
18 *and which could pose a risk to public safety or prop-*
19 *erty damage if such facilities were to fail, using such*
20 *specific inspection guidelines and criteria developed*
21 *pursuant to paragraph (1). In selecting project facili-*
22 *ties to inspect, the Secretary shall take into account*
23 *the potential magnitude of public safety and economic*
24 *damage posed by each project facility.*

1 (3) *TREATMENT OF COSTS.*—*The costs incurred*
 2 *by the Secretary in conducting these inspections shall*
 3 *be nonreimbursable.*

4 (b) *USE OF INSPECTION DATA.*—*The Secretary shall*
 5 *use the data collected through the conduct of the inspections*
 6 *under subsection (a)(2) to—*

7 (1) *provide recommendations to the transferred*
 8 *works operating entities for improvement of operation*
 9 *and maintenance processes, operating procedures in-*
 10 *cluding operation guidelines consistent with existing*
 11 *transfer contracts, and structural modifications to*
 12 *those transferred works;*

13 (2) *determine an appropriate inspection fre-*
 14 *quency for such nondam project facilities which shall*
 15 *not exceed 6 years; and*

16 (3) *provide, upon request of transferred work op-*
 17 *erating entities, local governments, or State agencies,*
 18 *information regarding potential hazards posed by ex-*
 19 *isting or proposed residential, commercial, industrial*
 20 *or public-use development adjacent to project facili-*
 21 *ties.*

22 (c) *TECHNICAL ASSISTANCE TO TRANSFERRED WORKS*
 23 *OPERATING ENTITIES.*—

24 (1) *AUTHORITY OF SECRETARY TO PROVIDE*
 25 *TECHNICAL ASSISTANCE.*—*The Secretary is author-*

1 *ized, at the request of a transferred works operating*
2 *entity in proximity to an urbanized area, to provide*
3 *technical assistance to accomplish the following, if*
4 *consistent with existing transfer contracts:*

5 *(A) Development of documented operating*
6 *procedures for a project facility.*

7 *(B) Development of documented emergency*
8 *notification and response procedures for a*
9 *project facility.*

10 *(C) Development of facility inspection cri-*
11 *teria for a project facility.*

12 *(D) Development of a training program on*
13 *operation and maintenance requirements and*
14 *practices for a project facility for a transferred*
15 *works operating entity's workforce.*

16 *(E) Development of a public outreach plan*
17 *on the operation and risks associated with a*
18 *project facility.*

19 *(F) Development of any other plans or doc-*
20 *umentation which, in the judgment of the Sec-*
21 *retary, will contribute to public safety and the*
22 *sage operation of a project facility.*

23 *(2) COSTS.—The Secretary is authorized to pro-*
24 *vide, on a non-reimbursable basis, up to 50 percent*
25 *of the cost of such technical assistance, with the bal-*

1 *ance of such costs being advanced by the transferred*
 2 *works operating entity or other non-Federal source.*
 3 *The non-Federal 50 percent minimum cost share for*
 4 *such technical assistance may be in the form of in-*
 5 *lieu contributions of resources by the transferred*
 6 *works operating entity or other non-Federal source.*

7 **SEC. 4. EXTRAORDINARY OPERATION AND MAINTENANCE**
 8 **WORK PERFORMED BY THE SECRETARY.**

9 *(a) IN GENERAL.—The Secretary or the transferred*
 10 *works operating entity may carry out, in accordance with*
 11 *subsection (b) and consistent with existing transfer con-*
 12 *tracts, any extraordinary operation and maintenance work*
 13 *on a project facility that the Secretary determines to be rea-*
 14 *sonably required to preserve the structural safety of the*
 15 *project facility.*

16 *(b) REIMBURSEMENT OF COSTS ARISING FROM EX-*
 17 *TRAORDINARY OPERATION AND MAINTENANCE WORK.—*

18 *(1) TREATMENT OF COSTS.—For reserved works,*
 19 *costs incurred by the Secretary in conducting extraor-*
 20 *dinary operation and maintenance work will be allo-*
 21 *cated to the authorized reimbursable purposes of the*
 22 *project and shall be repaid within 50 years, with in-*
 23 *terest, from the year in which work undertaken pur-*
 24 *suant to this Act is substantially complete.*

1 (2) *AUTHORITY OF SECRETARY.*—*For transferred*
2 *works, the Secretary is authorized to advance the costs*
3 *incurred by the transferred works operating entity in*
4 *conducting extraordinary operation and maintenance*
5 *work and negotiate appropriate 50-year repayment*
6 *contracts with project beneficiaries providing for the*
7 *return of reimbursable costs, with interest, under this*
8 *subsection: Provided, however, That no contract en-*
9 *tered into pursuant to this Act shall be deemed to be*
10 *a new or amended contract for the purposes of section*
11 *203(a) of the Reclamation Reform Act of 1982 (43*
12 *U.S.C. 390cc(a)).*

13 (3) *DETERMINATION OF INTEREST RATE.*—*The*
14 *interest rate used for computing interest on work in*
15 *progress and interest on the unpaid balance of the re-*
16 *imbursable costs of extraordinary operation and*
17 *maintenance work authorized by this Act shall be de-*
18 *termined by the Secretary of the Treasury, as of the*
19 *beginning of the fiscal year in which extraordinary*
20 *operation and maintenance work is commenced, on*
21 *the basis of average market yields on outstanding*
22 *marketable obligations of the United States with the*
23 *remaining periods of maturity comparable to the ap-*
24 *plicable reimbursement period of the project, adjusted*

1 to the nearest $\frac{1}{8}$ of 1 percent on the unamortized bal-
 2 ance of any portion of the loan.

3 (c) *EMERGENCY EXTRAORDINARY OPERATION AND*
 4 *MAINTENANCE WORK.*—

5 (1) *IN GENERAL.*—*The Secretary or the trans-*
 6 *ferred works operating entity shall carry out any*
 7 *emergency extraordinary operation and maintenance*
 8 *work on a project facility that the Secretary deter-*
 9 *mines to be necessary to minimize the risk of immi-*
 10 *nent harm to public health or safety, or property.*

11 (2) *REIMBURSEMENT.*—*The Secretary may ad-*
 12 *vance funds for emergency extraordinary operation*
 13 *and maintenance work and shall seek reimbursement*
 14 *from the transferred works operating entity or benefit-*
 15 *ting entity upon receiving a written assurance from*
 16 *the governing body of such entity that it will nego-*
 17 *tiate a contract pursuant to section 4 for repayment*
 18 *of costs incurred by the Secretary in undertaking such*
 19 *work.*

20 (3) *FUNDING.*—*If the Secretary determines that*
 21 *a project facility inspected and maintained pursuant*
 22 *to the guidelines and criteria set forth in section 3(a)*
 23 *requires extraordinary operation and maintenance*
 24 *pursuant to paragraph (1), the Secretary may pro-*
 25 *vide Federal funds on a nonreimbursable basis suffi-*

1 *cient to cover 35 percent of the cost of the extraor-*
 2 *dinary operation and maintenance allocable to the*
 3 *transferred works operating entity, which is needed to*
 4 *minimize the risk of imminent harm. The remaining*
 5 *share of the Federal funds advanced by the Secretary*
 6 *for such work shall be repaid under subsection (b).*

7 **SEC. 5. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER**
 8 **WORKS ACT.**

9 *Nothing in this Act shall preclude a transferred works*
 10 *operating entity from applying and receiving a loan-guar-*
 11 *antee pursuant to the Twenty-First Century Water Works*
 12 *Act (43 U.S.C. 2401 et seq.).*

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 *There are authorized to be appropriated such sums as*
 15 *are necessary to carry out this Act.*

16 **SEC. 7. LOAN GUARANTEE FINANCE DEMONSTRATION PRO-**
 17 **GRAM.**

18 (a) *DEFINITIONS.—In this section:*

19 (1) *SECRETARY.—The term “Secretary” means*
 20 *the Secretary of the Interior.*

21 (2) *FEDERAL LOAN GUARANTEE AND LOAN GUAR-*
 22 *ANTEE.—The terms “Federal loan guarantee” and*
 23 *“loan guarantee” have the meaning given the terms*
 24 *in the Twenty-First Century Water Works Act (43*
 25 *U.S.C. 2401 et seq.).*

1 (3) *DEMONSTRATION PROJECT AND PROJECT.*—
 2 *The terms “demonstration project” and “project”*
 3 *have the meaning given the term “project” in section*
 4 *202 of the Twenty-First Century Water Works Act*
 5 *(43 U.S.C. 2421).*

6 (4) *LENDER.*—*The term “lender” has the mean-*
 7 *ing given the term in section 202 of the Twenty-First*
 8 *Century Water Works Act (43 U.S.C. 2421).*

9 (5) *LOAN GUARANTEE SUBSIDY COST.*—*The term*
 10 *“loan guarantee subsidy cost” has the meaning given*
 11 *under the Federal Credit Reform Act of 1990 (2*
 12 *U.S.C. 661 et seq.) as the annual budget authority*
 13 *needed to cover the portion of credit assistance esti-*
 14 *mated to be un-recovered because of defaults, expressed*
 15 *as a percentage of the amount of each loan approved*
 16 *for guarantee. This definition shall apply to loan*
 17 *guarantees given to improve facilities to which the*
 18 *Federal Government holds title, as well as to non-Fed-*
 19 *eral facilities.*

20 (b) *DEMONSTRATION PROGRAM.*—

21 (1) *IDENTIFICATION OF DEMONSTRATION*
 22 *PROJECTS.*—*Within 180 days of enactment of this*
 23 *Act, the Secretary shall identify no more than 3*
 24 *projects as eligible for Federal loan guarantees. The*
 25 *identified projects shall include at least 1 project in-*

1 *volving extraordinary operation and maintenance*
 2 *work.*

3 (2) *MEMORANDUM OF AGREEMENT.*—*Within 90*
 4 *days of enactment of this Act, the Secretary shall*
 5 *complete the Interagency Coordination and Coopera-*
 6 *tion actions in section 209 of the Twenty-First Cen-*
 7 *tury Water Works Act (43 U.S.C. 2428).*

8 (3) *ELIGIBILITY OF PROJECTS.*—*Within 270*
 9 *days of enactment of this Act, and in accordance with*
 10 *an agreement with the entities seeking to carry-out*
 11 *the projects identified under paragraph (1), the Sec-*
 12 *retary shall make available to lenders Federal loan*
 13 *guarantees equal to the full cost of projects identified*
 14 *in this section.*

15 (4) *SUBSIDY.*—*The loan guarantee subsidy cost*
 16 *shall be the greater of 2 percent or the subsidy deter-*
 17 *mined by the Secretary of Agriculture for covering the*
 18 *Federal cost of guaranteeing loans to lenders financ-*
 19 *ing water projects under the United States Depart-*
 20 *ment of Agricultural Rural Development authorities.*

21 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 22 *authorized to be appropriated such sums as are necessary*
 23 *to carry out this title, to remain available until expended.*

Calendar No. 988

110TH CONGRESS
2D Session
S. 2842

A BILL

To require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes.

SEPTEMBER 16, 2008

Reported with an amendment