

112TH CONGRESS
2D SESSION

S. 3385

To authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2012

Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. TESTER, Mr. HARKIN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Authorized Rural
5 Water Projects Completion Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

(1) **FUND.**—The term “Fund” means the Reclamation Rural Water Construction Fund established by section 3(a).

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 SEC. 3. RECLAMATION RURAL WATER CONSTRUCTION
7 FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Reclamation Rural Water Construction Fund”, consisting of—

12 (1) such amounts as are deposited in the Fund
13 under subsection (b); and

14 (2) any interest earned on investment of
15 amounts in the Fund under subsection (d).

16 (b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2013 through 2029, the Secretary of the Treasury shall deposit in the Fund \$80,000,000 of the revenues that would otherwise be deposited for the fiscal year in the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall—

1 (A) be made available in accordance with
 2 this section, without further appropriation; and

3 (B) be in addition to amounts appropriated
 4 for such purposes under any other provision of
 5 law.

6 (3) LIMITATION.—Notwithstanding paragraphs
 7 (1) and (2), no amounts may be deposited in, or
 8 made available from, the Fund under those para-
 9 graphs if the transfer or availability of the amounts
 10 would increase the deficit.

11 (c) EXPENDITURES FROM FUND.—

12 (1) IN GENERAL.—

13 (A) EXPENDITURES.—Subject to subpara-
 14 graph (B), for each of fiscal years 2013
 15 through 2034, the Secretary may expend from
 16 the Fund not more than the sum of—

17 (i) \$80,000,000; and

18 (ii) the amount of interest accrued in
 19 the Fund for the fiscal year in which the
 20 expenditures are made.

21 (B) ADDITIONAL EXPENDITURES.—Not-
 22 withstanding subparagraph (A), the Secretary
 23 may expend more than \$80,000,000 for any fis-
 24 cal year listed in subparagraph (A) if such
 25 amounts are available in the Fund due to ex-

penditures not reaching \$80,000,000 in 1 or more prior fiscal years.

(2) USE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may use amounts from the Fund to complete construction of rural water projects—

(i) authorized to be carried out by the Secretary on or before the date of enactment of this Act; or

(ii) for which—

(I) pursuant to section 106(e) of Rural Water Supply Act of 2006 (43 U.S.C. 2405(e)), the Secretary has completed a feasibility report by September 30, 2012, that recommends the construction of a rural water project; and

(II) an Act of Congress after the date of enactment of this Act has authorized the construction of the project.

(B) LIMITATION.—The Secretary may not use amounts from the Fund to pay for any op-

eration and maintenance costs of an authorized rural water project.

(3) CONDITIONS.—The Secretary shall not expend any amounts from the Fund until the date on which the Secretary develops—

(A) programmatic goals to carry out this section that—

(i) would enable the completion of construction of the authorized rural water projects as expeditiously as possible; and

(ii) reflect—

(I) the goals and priorities identified in the laws authorizing the authorized rural water projects; and

(II) the goals of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.); and

(B) funding prioritization criteria to serve as a formula for distributing funds under this section that take into account—

(i) an evaluation of the urgent and compelling need for potable water supplies in the affected rural and tribal communities;

1 (ii) the status of the current stages of
2 completion of the authorized rural water
3 project;

4 (iii) the financial needs of the affected
5 rural and tribal communities;

6 (iv) the potential economic benefits of
7 the expenditures on job creation and gen-
8 eral economic development in the affected
9 rural and tribal communities;

10 (v) the ability of the authorized rural
11 water project to address regional and wa-
12 tershed level water supply needs;

13 (vi) the ability of the authorized rural
14 water project—

15 (I) to minimize water and energy
16 consumption; and

17 (II) to encourage the develop-
18 ment of renewable energy resources,
19 such as wind, solar, and hydropower
20 elements;

21 (vii) the need for the authorized rural
22 water project to address—

23 (I) the needs of Indian tribes and
24 members of Indian tribes; and

1 (II) other community needs or
2 interests; and
3 (viii) such other factors as the Sec-
4 retary determines to be appropriate to
5 prioritize the use of available funds.

6 (d) INVESTMENTS OF AMOUNTS.—

7 (1) IN GENERAL.—The Secretary shall invest
8 such portion of the Fund as is not, in the judgment
9 of the Secretary, required to meet current with-
10 draws.

11 (2) CREDITS TO FUND.—The interest on, and
12 the proceeds from the sale or redemption of, any ob-
13 ligations held in the Fund shall be credited to, and
14 form a part of, the Fund.

15 (e) TRANSFERS OF AMOUNTS.—

16 (1) IN GENERAL.—The amounts required to be
17 transferred to the Fund under this section shall be
18 transferred at least monthly from the general fund
19 of the Treasury to the Fund on the basis of esti-
20 mates made by the Secretary of the Treasury.

21 (2) ADJUSTMENTS.—Proper adjustment shall
22 be made in amounts subsequently transferred to the
23 extent prior estimates were in excess of or less than
24 the amounts required to be transferred.

25 (f) TERMINATION.—On September 30, 2034—

- 1 (1) the Fund shall terminate; and
- 2 (2) the unexpended and unobligated balance of
- 3 the Fund shall be transferred to the reclamation
- 4 fund established by the first section of the Act of
- 5 June 17, 1902 (32 Stat. 388, chapter 1093).

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