

103^D CONGRESS
1ST SESSION

S. 1373

To amend the Reclamation Project Act of 1939 to reform irrigation assistance repayments and to require the Secretary of the Interior to redetermine the ability of irrigators to repay construction charges at least every 5 years.

IN THE SENATE OF THE UNITED STATES

AUGUST 5 (legislative day, JUNE 30), 1993

Mr. WOFFORD introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Reclamation Project Act of 1939 to reform irrigation assistance repayments and to require the Secretary of the Interior to redetermine the ability of irrigators to repay construction charges at least every 5 years.

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 “Irrigation Assistance
5 Repayment Reform Act”.

1 **SEC. 2. IRRIGATION ASSISTANCE REPAYMENT REFORM.**

2 Section 9 of the Act of August 4, 1939 (known as
3 the Reclamation Project Act of 1939) (53 Stat. 1993;
4 chapter 418; 43 U.S.C. 485h), is amended by adding at
5 the end the following new subsection:

6 “(g)(1) Subject to paragraphs (2) and (3) and not-
7 withstanding any other provision of law, any costs of con-
8 struction that meet the requirements of paragraph (2)
9 shall be repaid not later than 40 years after the date on
10 which irrigation service begins for such irrigation project,
11 division, or development unit, upon terms no less favorable
12 to the Federal Government than payment in equal annual
13 installments.

14 “(2) This subsection shall apply to costs of construc-
15 tion incurred after September 30, 1992, that—

16 “(A) are allocated to irrigation;

17 “(B) are beyond the ability of the water user to
18 repay; and

19 “(C) may be repaid by revenues from power
20 marketed by the Western Area Power Administra-
21 tion.

22 “(3) An increase in wholesale power rates, if any,
23 charged as a result of the operation of paragraph (1) may
24 not exceed one mil per kilowatt-hour per year.”.

1 **SEC. 3. DETERMINATIONS OF ABILITY TO PAY.**

2 Section 9 of the Act of August 4, 1939 (known as
3 the Reclamation Project Act of 1939) (53 Stat. 1993;
4 chapter 418; 43 U.S.C. 485h) is further amended by add-
5 ing at the end the following new subsection:

6 “(h)(1) Except where expressly precluded by con-
7 tract, the Secretary shall make a determination of the abil-
8 ity of an irrigator to pay construction charges allocated
9 to irrigation no less frequently than every 5 years, and
10 shall adjust the amount of the charges to be recovered
11 from the irrigator accordingly.

12 “(2) Each new or renewed contract entered into by
13 the Secretary after the date of enactment of this sub-
14 section shall provide for the recomputation of the ability
15 of an irrigator to pay, pursuant to the provisions of para-
16 graph (1), and the repayment of any unpaid additional
17 charges resulting from prior adjustments.

18 “(3) Nothing in this subsection shall preclude the
19 Secretary from recovering full cost where such recovery
20 is otherwise authorized under the reclamation laws.”.

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