

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the establishment of an Aging Infrastructure Account.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

H. R. 1957

To amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. MCSALLY (for herself, Mr. BARRASSO, Mrs. FISCHER, Mr. RISCH, Mrs. FEINSTEIN, Ms. SINEMA, and Mr. CRAPO) to the amendment (No. _____) proposed by

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . AGING INFRASTRUCTURE ACCOUNT.**

3 Section 9603 of the Omnibus Public Land Manage-
4 ment Act of 2009 (43 U.S.C. 510b) is amended by adding
5 at the end the following:

6 “(d) AGING INFRASTRUCTURE ACCOUNT.—

7 “(1) ESTABLISHMENT.—There is established in
8 the general fund of the Treasury a special account,
9 to be known as the ‘Aging Infrastructure Account’

(referred to in this subsection as the ‘Account’), to provide funds to, and provide for the extended repayment of the funds by, a transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs for the conduct of extraordinary operation and maintenance work at a project facility, which shall consist of—

“(A) any amounts that are specifically appropriated to the Account under section 9605;

“(B) for each of fiscal years 2021 through 2025, subject to the availability of funds, \$400,000,000 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) (other than the revenues from timber sales under that section or revenues deposited under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a))); and

“(C) any amounts deposited in the Account under paragraph (3)(B).

“(2) EXPENDITURES.—Subject to paragraph (3), the Secretary may expend amounts in the Account to fund and provide for extended repayment of the funds—

1 “(A) for each of fiscal years 2020 and
2 2021, for projects that are identified by the
3 Secretary as major repair and replacement
4 projects for which construction or associated
5 preconstruction field work is capable of being
6 initiated during fiscal year 2020 or 2021, as
7 applicable; and

8 “(B) for fiscal year 2022 and each fiscal
9 year thereafter, for eligible projects identified in
10 a report submitted under paragraph (5)(A).

11 “(3) REPAYMENT CONTRACT.—

12 “(A) IN GENERAL.—The Secretary may
13 not expend amounts under paragraph (2) with
14 respect to an eligible project described in that
15 paragraph unless the transferred works oper-
16 ating entity or project beneficiary responsible
17 for repayment of reimbursable costs has entered
18 into a contract to repay the amounts under sub-
19 section (b)(2).

20 “(B) DEPOSIT OF REPAID FUNDS.—

21 Amounts repaid by a transferred works oper-
22 ating entity or project beneficiary responsible
23 for repayment of reimbursable costs receiving
24 funds under a repayment contract entered into
25 under this subsection shall be deposited in the

1 Account and shall be available to the Secretary
2 for expenditure in accordance with this sub-
3 section without further appropriation.

4 “(4) APPLICATION FOR FUNDING.—

5 “(A) IN GENERAL.—Beginning with fiscal
6 year 2022, not less than once per fiscal year,
7 the Secretary shall accept, during an applica-
8 tion period established by the Secretary, appli-
9 cations from transferred works operating enti-
10 ties or project beneficiaries responsible for pay-
11 ment of reimbursable costs for funds and ex-
12 tended repayment for eligible projects.

13 “(B) ELIGIBLE PROJECT.—A project eligi-
14 ble for funding and extended repayment under
15 this subsection is a project that—

16 “(i) qualifies as an extraordinary op-
17 eration and maintenance work under this
18 section;

19 “(ii) is for the major, non-recurring
20 maintenance of a mission-critical asset;
21 and

22 “(iii) is not eligible to be carried out
23 or funded under the repayment provisions
24 of section 4(c) of the Reclamation Safety
25 of Dams Act of 1978 (43 U.S.C. 508(c)).

1 “(C) GUIDELINES FOR APPLICATIONS.—

2 Not later than 60 days after the date of enact-
3 ment of this subsection, the Secretary shall
4 issue guidelines describing the information re-
5 quired to be provided in an application for
6 funds and extended repayment under this sub-
7 section that require, at a minimum—

8 “(i) a description of the project for
9 which the funds are requested;

10 “(ii) the amount of funds requested;

11 “(iii) the repayment period requested
12 by the transferred works operating entity
13 or project beneficiary responsible for re-
14 payment of reimbursable costs;

15 “(iv) alternative non-Federal funding
16 options that have been evaluated;

17 “(v) the financial justification for re-
18 questing an extended repayment period;
19 and

20 “(vi) the financial records of the
21 transferred works operating entity or
22 project beneficiary responsible for repay-
23 ment of reimbursable costs.

1 “(D) REVIEW BY THE SECRETARY.—The
2 Secretary shall review each application sub-
3 mitted under subparagraph (A)—

4 “(i) to determine whether the project
5 is eligible for funds and an extended repay-
6 ment period under this subsection;

7 “(ii) to determine if the project has
8 been identified by the Bureau of Reclama-
9 tion as part of the major rehabilitation and
10 replacement of a project facility; and

11 “(iii) to conduct a financial analysis
12 of—

13 “(I) the project; and

14 “(II) the transferred works oper-
15 ating entity or project beneficiary re-
16 sponsible for repayment of reimburs-
17 able costs.

18 “(5) REPORT.—Not later than 90 days after
19 the date on which an application period closes under
20 paragraph (4)(A), the Secretary shall submit to the
21 Committees on Energy and Natural Resources and
22 Appropriations of the Senate and the Committees on
23 Natural Resources and Appropriations of the House
24 of Representatives a report that—

1 “(A) identifies each project eligible for
2 funds and extended repayment under this sub-
3 section;

4 “(B) with respect to each eligible project
5 identified under subparagraph (A), includes—

6 “(i) a description of—

7 “(I) the eligible project;

8 “(II) the anticipated cost and du-
9 ration of the eligible project; and

10 “(III) any remaining engineering
11 or environmental compliance that is
12 required before the eligible project
13 commences;

14 “(ii) an analysis of—

15 “(I) the repayment period pro-
16 posed in the application; and

17 “(II) if the Secretary rec-
18 ommends a minimum necessary repay-
19 ment period that is different than the
20 repayment period proposed in the ap-
21 plication, the minimum necessary re-
22 payment period recommended by the
23 Secretary; and

24 “(iii) an analysis of alternative non-
25 Federal funding options; and

1 “(C) describes the balance of funds in the
2 Account as of the date of the report.

3 “(6) EFFECT OF SUBSECTION.—Nothing in this
4 subsection affects—

5 “(A) any funding provided, or contracts
6 entered into, under subsection (a) before the
7 date of enactment of this subsection; or

8 “(B) the use of funds otherwise made
9 available to the Secretary to carry out sub-
10 section (a).”.