

118TH CONGRESS  
1ST SESSION

# S. 1324

To establish the Southwestern Power Administration Fund, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Mr. MORAN (for himself and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To establish the Southwestern Power Administration Fund,  
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 “Southwestern Power  
5 Administration Fund Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of the South-  
10 western Power Administration.

1           (2) FUND.—The term “Fund” means the  
2           Southwestern Power Administration Fund estab-  
3           lished by section 3(a).

4           (3) SECRETARY.—The term “Secretary” means  
5           the Secretary of Energy.

6 **SEC. 3. SOUTHWESTERN POWER ADMINISTRATION FUND.**

7           (a) ESTABLISHMENT OF FUND.—There is estab-  
8           lished in the Treasury of the United States a fund, to be  
9           known as the “Southwestern Power Administration  
10          Fund”, consisting of—

11           (1) all receipts, collections, and recoveries of the  
12           Southwestern Power Administration, including trust  
13           funds;

14           (2) appropriations to the Fund;

15           (3) amounts transferred to the Fund under  
16           subsection (b); and

17           (4) amounts deposited in the Fund under the  
18           first proviso in the matter under the heading “OP-  
19           ERATION AND MAINTENANCE, SOUTHWESTERN  
20           POWER ADMINISTRATION” under the heading  
21           “POWER MARKETING ADMINISTRATIONS”  
22           under the heading “DEPARTMENT OF EN-  
23           ERGY” in title III of the Energy and Water Devel-  
24           opment Appropriations Act, 2005 (16 U.S.C. 825s-  
25           4).

1 (b) TRANSFERS TO FUND.—There are transferred to  
2 the Fund—

3 (1) unexpended balances in the continuing fund  
4 pursuant to the 11th paragraph under the heading  
5 “OFFICE OF THE SECRETARY” in title I of the  
6 Act of October 12, 1949 (16 U.S.C. 825s–1);

7 (2) unexpended balances in the advanced pay-  
8 ment fund pursuant to the first proviso in the mat-  
9 ter under the heading “OPERATION AND MAINTENANCE,  
10 SOUTHWESTERN POWER ADMINISTRATION”  
11 under the heading “POWER MARKETING AD-  
12 MINISTRATIONS” under the heading “Depart-  
13 ment of Energy” in title III of the Energy and  
14 Water Development Appropriations Act, 2005 (16  
15 U.S.C. 825s–4); and

16 (3) unexpended balances in the offsetting collec-  
17 tions fund pursuant to the fourth and fifth provisos  
18 in the matter under the heading “OPERATION AND  
19 MAINTENANCE, SOUTHWESTERN POWER ADMINIS-  
20 TRATION” under the heading “POWER MAR-  
21 KETING ADMINISTRATIONS” under the head-  
22 ing “DEPARTMENT OF ENERGY” in title III of  
23 the Energy and Water Development and Related  
24 Agencies Appropriations Act, 2010 (16 U.S.C.

1 825s–7) (as in effect on the day before the date of  
2 enactment of this Act).

3 (c) AVAILABILITY.—Amounts in the Fund shall re-  
4 main available until expended.

5 (d) USE.—Amounts in the Fund shall be used by the  
6 Secretary, acting through the Administrator, for expenses  
7 necessary for—

8 (1) operation and maintenance of power trans-  
9 mission facilities;

10 (2) marketing electric power and energy;

11 (3) construction and acquisition of transmission  
12 lines, substations, and appurtenant facilities; and

13 (4) administrative expenses in carrying out the  
14 duties of the Secretary under—

15 (A) section 5 of the Act of December 22,  
16 1944 (commonly known as the “Flood Control  
17 Act of 1944”) (16 U.S.C. 825s); and

18 (B) section 1232 of the Energy Policy Act  
19 of 2005 (42 U.S.C. 16431).

20 (e) OBLIGATIONS.—The Secretary, acting through  
21 the Administrator, may incur obligations for authorized  
22 purposes in advance of appropriations to be liquidated by  
23 the Fund.

24 (f) EXCESS FUNDS.—Annually, the Secretary, acting  
25 through the Administrator, shall transfer excess amounts

1 in the Fund to the Treasury of the United States as mis-  
2 cellaneous receipts.

3 (g) APPLICABLE LAW.—The provisions of chapter 91  
4 of title 31, United States Code, shall apply to the Adminis-  
5 trator in carrying out this section in the same manner as  
6 the provisions apply to a wholly owned Government cor-  
7 poration (as defined in section 9101 of that title).

8 (h) CONFORMING AMENDMENTS.—

9 (1) The proviso in the matter under the head-  
10 ing “OPERATION AND MAINTENANCE, SOUTH-  
11 WESTERN POWER ADMINISTRATION” under the  
12 heading “POWER MARKETING ADMINISTRA-  
13 TIONS” under the heading “Department of En-  
14 ergy” in title III of the Energy and Water Develop-  
15 ment Appropriations Act, 2005 (16 U.S.C. 825s-4),  
16 is amended—

17 (A) by striking “in fiscal year 2005” and  
18 inserting “on the date of enactment of the  
19 Southwestern Power Administration Fund Es-  
20 tablishment Act”; and

21 (B) by striking “credited to this account”  
22 and inserting “deposited in the Southwestern  
23 Power Administration Fund established by sec-  
24 tion 3(a) of the Southwestern Power Adminis-  
25 tration Fund Establishment Act”.

1           (2) The fourth and fifth provisos in the matter  
2           under the heading “OPERATION AND MAINTENANCE,  
3           SOUTHWESTERN POWER ADMINISTRATION” under  
4           the heading “POWER MARKETING ADMINIS-  
5           TRATIONS” under the heading “Department of  
6           Energy” in title III of the Energy and Water Devel-  
7           opment and Related Agencies Appropriations Act,  
8           2010 (16 U.S.C. 825s-7), are repealed.

○