

110TH CONGRESS
2D SESSION

S. 3128

AN ACT

To direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

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 “White Mountain
3 Apache Tribe Rural Water System Loan Authorization
4 Act”.

5 **SEC. 2. DEFINITIONS.**

6 (a) MINER FLAT PROJECT.—The term “Miner Flat
7 Project” means the White Mountain Apache Rural Water
8 System, comprised of the Miner Flat Dam and associated
9 domestic water supply components, as described in the
10 project extension report dated February 2007.

11 (b) SECRETARY.—The term “Secretary” means the
12 Secretary of the Interior, acting through the Commis-
13 sioner of Reclamation (or any other designee of the Sec-
14 retary).

15 (c) TRIBE.—The term “Tribe” means the White
16 Mountain Apache Tribe, a federally recognized Indian
17 tribe organized pursuant to section 16 of the Indian Reor-
18 ganization Act of 1934 (25 U.S.C. 476 et seq.).

19 **SEC. 3. MINER FLAT PROJECT LOAN.**

20 (a) LOAN.—Subject to the availability of appropria-
21 tions and the condition that the Tribe and the Secretary
22 have executed a cooperative agreement under section 4(a),
23 not later than 90 days after the date on which amounts
24 are made available to carry out this section and the coop-
25 erative agreement has been executed, the Secretary shall
26 provide to the Tribe a loan in an amount equal to

1 \$9,800,000, adjusted, as appropriate, based on ordinary
2 fluctuations in engineering cost indices applicable to the
3 Miner Flat Project during the period beginning on Octo-
4 ber 1, 2007, and ending on the date on which the loan
5 is provided, as determined by the Secretary, to carry out
6 planning, engineering, and design of the Miner Flat
7 Project in accordance with section 4.

8 (b) TERMS AND CONDITIONS OF LOAN.—The loan
9 provided under subsection (a) shall—

- 10 (1) be at a rate of interest of 0 percent; and
11 (2) be repaid over a term of 25 years, beginning
12 on January 1, 2013.

13 (c) ADMINISTRATION.—Subject to section 4, the Sec-
14 retary shall administer the planning, engineering, and de-
15 sign of the Miner Flat Project.

16 **SEC. 4. PLANNING, ENGINEERING, AND DESIGN.**

17 (a) COOPERATIVE AGREEMENT.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of enactment of this Act, the Secretary
20 shall offer to enter into a cooperative agreement
21 with the Tribe for the planning, engineering, and de-
22 sign of the Miner Flat Project in accordance with
23 this Act.

24 (2) MANDATORY PROVISIONS.—A cooperative
25 agreement under paragraph (1) shall—

1 (A) specify, in a manner that is acceptable
 2 to the Secretary and the Tribe, the rights, re-
 3 sponsibilities, and liabilities of each party to the
 4 agreement; and

5 (B) require that the planning, engineering,
 6 design, and construction of the Miner Flat
 7 Project be in accordance with all applicable
 8 Federal environmental laws.

9 (b) APPLICABILITY OF INDIAN SELF-DETERMINA-
 10 TION AND EDUCATION ASSISTANCE ACT.—Each activity
 11 for the planning, engineering, or design of the Miner Flat
 12 Project shall be subject to the requirements of the Indian
 13 Self-Determination and Education Assistance Act (25
 14 U.S.C. 450 et seq.).

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
 17 as are necessary to carry out this Act.

Passed the Senate September 25 (legislative day,
 September 17), 2008.

Attest:

Secretary.

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