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[Report No. 113–167]

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

APRIL 11, 2013

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

MAY 22, 2014

Reported by Ms. LANDRIEU, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Authorized Rural
3 Water Projects Completion Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **FUND.**—The term “Fund” means the Rec-
7 lamation Rural Water Construction Fund estab-
8 lished by section 3(a).

9 (2) **SECRETARY.**—The term “Secretary” means
10 the Secretary of the Interior.

11 **SEC. 3. RECLAMATION RURAL WATER CONSTRUCTION**
12 **FUND.**

13 (a) **ESTABLISHMENT.**—There is established in the
14 Treasury of the United States a fund, to be known as the
15 “Reclamation Rural Water Construction Fund”, con-
16 sisting of—

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

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

21 (b) **DEPOSITS TO FUND.**—

22 (1) **IN GENERAL.**—For each of fiscal years
23 2014 through 2030, the Secretary of the Treasury
24 shall deposit in the Fund \$80,000,000 of the reve-
25 nues that would otherwise be deposited for the fiscal
26 year in the reclamation fund established by the first

1 section of the Act of June 17, 1902 (32 Stat. 388,
2 chapter 1093).

3 ~~(2) AVAILABILITY OF AMOUNTS.—~~Amounts de-
4 posited in the Fund under paragraph (1) shall—

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

7 (B) be in addition to amounts appropriated
8 for such purposes under any other provision of
9 law.

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

15 ~~(c) EXPENDITURES FROM FUND.—~~

16 ~~(1) IN GENERAL.—~~

17 (A) EXPENDITURES.—Subject to subpara-
18 graph (B), for each of fiscal years 2014
19 through 2035, the Secretary may expend from
20 the Fund not more than the sum of—

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

22 (ii) the amount of interest accrued in
23 the Fund for the fiscal year in which the
24 expenditures are made.

1 ~~(B) ADDITIONAL EXPENDITURES.—Not-~~
 2 withstanding subparagraph (A), the Secretary
 3 may expend more than \$80,000,000 for any fis-
 4 cal year listed in subparagraph (A) if such
 5 amounts are available in the Fund due to ex-
 6 penditures not reaching \$80,000,000 in 1 or
 7 more prior fiscal years.

8 ~~(2) USE.—~~

9 ~~(A) IN GENERAL.—~~Subject to subpara-
 10 graph (B), the Secretary may use amounts
 11 from the Fund to complete construction of
 12 rural water projects—

13 (i) authorized to be carried out by the
 14 Secretary on or before the date of enact-
 15 ment of this Act; or

16 (ii) for which—

17 (I) pursuant to section 106(e) of
 18 the Rural Water Supply Act of 2006
 19 (43 U.S.C. 2405(e)), a feasibility
 20 study has been submitted to the Sec-
 21 retary by September 30, 2012; and

22 (II) an Act of Congress after the
 23 date of enactment of this Act has au-
 24 thorized the construction of the
 25 project.

1 ~~(B) LIMITATION.~~—The Secretary may not
 2 use amounts from the Fund to pay for any op-
 3 eration and maintenance costs of an authorized
 4 rural water project.

5 ~~(3) CONDITIONS.~~—The Secretary shall not ex-
 6 pend any amounts from the Fund until the date on
 7 which the Secretary develops—

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

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

13 ~~(ii)~~ reflect—

14 ~~(I)~~ the goals and priorities identi-
 15 fied in the laws authorizing the au-
 16 thorized rural water projects; and

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

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

23 ~~(i)~~ an evaluation of the urgent and
 24 compelling need for potable water supplies

1 in the affected rural and tribal commu-
2 nities;

3 (ii) the status of the current stages of
4 completion of the authorized rural water
5 project;

6 (iii) the financial needs of the affected
7 rural and tribal communities;

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

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

15 (vi) the ability of the authorized rural
16 water project—

17 (I) to minimize water and energy
18 consumption; and

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

23 (vii) the need for the authorized rural
24 water project to address—

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

8 (d) INVESTMENTS OF AMOUNTS.—

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

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

17 (e) TRANSFERS OF AMOUNTS.—

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

23 (2) ADJUSTMENTS.—Proper adjustment shall
 24 be made in amounts subsequently transferred to the

1 extent prior estimates were in excess of or less than
 2 the amounts required to be transferred.

3 (f) ~~TERMINATION.—On September 30, 2035—~~

4 (1) ~~the Fund shall terminate; and~~

5 (2) ~~the unexpended and unobligated balance of~~
 6 ~~the Fund shall be transferred to the reclamation~~
 7 ~~fund established by the first section of the Act of~~
 8 ~~June 17, 1902 (32 Stat. 388, chapter 1093).~~

9 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

10 (a) *SHORT TITLE.*—*This Act may be cited as the “Au-*
 11 *thorized Rural Water Projects Completion Act”.*

12 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 13 *Act is as follows:*

Sec. 1. Short title.

Sec. 2. Definitions.

Sec. 3. Reclamation rural water construction fund.

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—RECLAMATION RURAL WATER CONSTRUCTION AND
SETTLEMENT IMPLEMENTATION FUND**

Sec. 101. Establishment.

Sec. 102. Accounts.

Sec. 103. Deposits to Fund.

Sec. 104. Expenditures from Fund.

Sec. 105. Investments of amounts.

Sec. 106. Transfers of amounts.

Sec. 107. Transferability between accounts.

Sec. 108. Termination.

TITLE II—RURAL WATER PROJECTS

Sec. 201. Rural water projects.

Sec. 202. Restrictions.

**TITLE III—RECLAMATION INFRASTRUCTURE AND SETTLEMENT
IMPLEMENTATION**

Sec. 301. Reclamation infrastructure and settlement implementation.

*TITLE IV—REPAIR, REPLACEMENT, AND MAINTENANCE OF
CERTAIN INDIAN IRRIGATION PROJECTS*

Sec. 401. Repair, replacement, and maintenance of certain Indian irrigation projects.

Sec. 402. Eligible projects.

Sec. 403. Requirements and conditions.

Sec. 404. Study of Indian irrigation program and project management.

Sec. 405. Tribal consultation and user input.

Sec. 406. Allocation among projects.

1 SEC. 2. DEFINITIONS.

2 *In this Act:*

3 (1) *FUND.*—*The term “Fund” means the Rec-*
4 *lamation Rural Water Construction and Settlement*
5 *Implementation Fund established by section 101.*

6 (2) *INDIAN TRIBE.*—*The term “Indian tribe” has*
7 *the meaning given the term in section 4 of the Indian*
8 *Self-Determination and Education Assistance Act (25*
9 *U.S.C. 450b).*

10 (3) *RURAL WATER PROJECT.*—*The term “rural*
11 *water project” means a project that is designed to*
12 *provide domestic, industrial, municipal, or residen-*
13 *tial water to a small community or group of small*
14 *communities, including Indian tribes and tribal orga-*
15 *nizations.*

16 (4) *SECRETARY.*—*The term “Secretary” means*
17 *the Secretary of the Interior, acting through the Com-*
18 *missioner of Reclamation.*

1 ***TITLE I—RECLAMATION RURAL***
 2 ***WATER CONSTRUCTION AND***
 3 ***SETTLEMENT IMPLEMENTA-***
 4 ***TION FUND***

5 ***SEC. 101. ESTABLISHMENT.***

6 *There is established in the Treasury of the United*
 7 *States a fund, to be known as the “Reclamation Rural*
 8 *Water Construction and Settlement Implementation Fund”,*
 9 *consisting of—*

10 *(1) such amounts as are deposited in the Fund*
 11 *under section 103; and*

12 *(2) any interest earned on investment of*
 13 *amounts in the Fund under section 105.*

14 ***SEC. 102. ACCOUNTS.***

15 *Within the Fund, there are established the following*
 16 *accounts:*

17 *(1) Rural Water Project Account.*

18 *(2) Indian Irrigation Account.*

19 *(3) Reclamation Infrastructure and Settlement*
 20 *Implementation Account.*

21 ***SEC. 103. DEPOSITS TO FUND.***

22 *(a) IN GENERAL.—For each of fiscal years 2014*
 23 *through 2035, the Secretary of the Treasury shall deposit*
 24 *in the Fund \$150,000,000 of the revenues that would other-*
 25 *wise be deposited for the fiscal year in the reclamation fund*

1 *established by the first section of the Act of June 17, 1902*
 2 *(32 Stat. 388, chapter 1093), of which—*

3 *(1) \$80,000,000 for each of the fiscal years shall*
 4 *be deposited in the Rural Water Project Account es-*
 5 *tablished under section 102(1);*

6 *(2) \$35,000,000 for each of the fiscal years shall*
 7 *be deposited in the Indian Irrigation Account estab-*
 8 *lished under section 102(2); and*

9 *(3) \$35,000,000 for each of the fiscal years shall*
 10 *be deposited in the Reclamation Infrastructure and*
 11 *Settlement Implementation Account established under*
 12 *section 102(3).*

13 *(b) AVAILABILITY OF AMOUNTS.—Amounts deposited*
 14 *in the Fund under subsection (a) shall be used, subject to*
 15 *appropriation, to carry out this Act.*

16 **SEC. 104. EXPENDITURES FROM FUND.**

17 *(a) IN GENERAL.—Subject to subsection (b), for each*
 18 *of fiscal years 2014 through 2035, the Secretary may ex-*
 19 *pend from the Fund, in accordance with this Act, not more*
 20 *than the sum of—*

21 *(1) \$150,000,000, to be allocated from the*
 22 *amounts in the accounts specified in section 102; and*

23 *(2) the amount of interest accrued in the Fund*
 24 *within each account for the fiscal year in which the*
 25 *expenditures are made, with the interest accrued*

1 *within each account used only for expenditures from*
 2 *that account.*

3 **(b) ADDITIONAL EXPENDITURES.—**

4 **(1) IN GENERAL.—***The Secretary may expend*
 5 *more than \$150,000,000 for any fiscal year referred*
 6 *to in subsection (a) if the additional amounts are*
 7 *available in the Fund as a result of a failure of the*
 8 *Secretary to expend all of the amounts available*
 9 *under subsection (a) in 1 or more prior fiscal years.*

10 **(2) RETENTION IN ACCOUNTS.—***Any additional*
 11 *amounts referred to in paragraph (1) shall—*

12 **(A)** *be retained within the account to which*
 13 *the amounts were designated;*

14 **(B)** *accrue interest for the designated ac-*
 15 *count in accordance with this title; and*

16 **(C)** *only be expended for the purposes for*
 17 *which expenditures from the designated accounts*
 18 *are authorized.*

19 **SEC. 105. INVESTMENTS OF AMOUNTS.**

20 **(a) IN GENERAL.—***The Secretary shall invest such*
 21 *portion of the Fund as is not, in the judgment of the Sec-*
 22 *retary, required to meet current withdrawals.*

23 **(b) CREDITS TO FUND.—***The interest on, and the pro-*
 24 *ceeds from the sale or redemption of, any obligations held*

1 *in the Fund shall be credited to, and form a part of, the*
 2 *Fund.*

3 **SEC. 106. TRANSFERS OF AMOUNTS.**

4 (a) *IN GENERAL.*—*The amounts required to be trans-*
 5 *ferred to the Fund under this title shall be transferred at*
 6 *least monthly from the general fund of the Treasury to the*
 7 *Fund on the basis of estimates made by the Secretary of*
 8 *the Treasury.*

9 (b) *ADJUSTMENTS.*—*Proper adjustment shall be made*
 10 *in amounts subsequently transferred to the extent prior esti-*
 11 *mates are in excess of or less than the amounts required*
 12 *to be transferred.*

13 **SEC. 107. TRANSFERABILITY BETWEEN ACCOUNTS.**

14 (a) *TRANSFERABILITY OF IRRIGATION FUNDS.*—*No*
 15 *sooner than fiscal year 2023, if the Secretary determines*
 16 *that there are no further deferred maintenance needs of eli-*
 17 *gible Indian irrigation projects, the Secretary may expend*
 18 *amounts and any interest accrued in the Indian Irrigation*
 19 *Account established by section 102(2) on any expenditure*
 20 *authorized under section 301 from the Reclamation Infra-*
 21 *structure and Settlement Implementation Account estab-*
 22 *lished by section 102(3).*

23 (b) *TRANSFERABILITY OF WATER SETTLEMENT*
 24 *FUNDS.*—*No sooner than fiscal year 2023, if the Secretary*
 25 *determines that there are no further needs of Indian tribes*

1 *under section 301, the Secretary may expend amounts and*
 2 *any interest accrued in the Reclamation Infrastructure and*
 3 *Settlement Implementation Account established by section*
 4 *102(3) on any expenditure authorized under sections 401*
 5 *through 406 from the Indian Irrigation Account established*
 6 *by section 102(2).*

7 **SEC. 108. TERMINATION.**

8 *On September 30, 2035—*

9 *(1) the Fund shall terminate; and*

10 *(2) the unexpended and unobligated balance of*
 11 *the Fund shall be transferred to the reclamation fund*
 12 *established by the first section of the Act of June 17,*
 13 *1902 (32 Stat. 388, chapter 1093).*

14 **TITLE II—RURAL WATER**
 15 **PROJECTS**

16 **SEC. 201. RURAL WATER PROJECTS.**

17 *Subject to section 202, for each of fiscal years 2014*
 18 *through 2035, the Secretary may use not less than*
 19 *\$80,000,000 of the amounts available in the Rural Water*
 20 *Project Account established under section 102(1) to complete*
 21 *construction of rural water projects—*

22 *(1) authorized to be carried out by the Secretary*
 23 *on or before the date of enactment of this Act; or*

24 *(2) for which—*

1 (A) pursuant to section 106(e) of the Rural
 2 Water Supply Act of 2006 (43 U.S.C. 2405(e)),
 3 a feasibility study has been submitted to the Sec-
 4 retary by September 30, 2012; and

5 (B) an Act of Congress after the date of en-
 6 actment of this Act has authorized the construc-
 7 tion of the project.

8 **SEC. 202. RESTRICTIONS.**

9 (a) *NO OPERATION AND MAINTENANCE COSTS.*—The
 10 Secretary shall not use any amounts from the Fund to pay
 11 for operation and maintenance costs of an authorized rural
 12 water project.

13 (b) *CONDITIONS.*—The Secretary shall not expend any
 14 amounts from the Fund to carry out this title until the date
 15 on which the Secretary develops—

16 (1) *programmatic goals to carry out this title*
 17 *that—*

18 (A) *would enable the completion of construc-*
 19 *tion of the authorized rural water projects as ex-*
 20 *peditionously as practicable; and*

21 (B) *reflect—*

22 (i) *the goals and priorities identified*
 23 *in the laws authorizing the authorized rural*
 24 *water projects; and*

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

4 (2) funding prioritization criteria to serve as a
 5 methodology for distributing funds under this title
 6 that take into account—

7 (A) an evaluation of the urgent and compel-
 8 ling need for potable water supplies in the af-
 9 fected rural and tribal communities;

10 (B) the status of the current stages of com-
 11 pletion of the authorized rural water project;

12 (C) the financial needs of the affected rural
 13 and tribal communities;

14 (D) the potential economic benefits of the
 15 expenditures on job creation and general eco-
 16 nomic development in the affected rural and
 17 tribal communities;

18 (E) the ability of the authorized rural water
 19 project to address regional and watershed level
 20 water supply needs;

21 (F) the ability of the authorized rural water
 22 project—

23 (i) to minimize water and energy con-
 24 sumption; and

1 (ii) to encourage the development of re-
 2 newable energy resources, such as wind,
 3 solar, and hydropower elements;

4 (G) the need for the authorized rural water
 5 project to address—

6 (i) the needs of Indian tribes and
 7 members of Indian tribes; and

8 (ii) other community needs or inter-
 9 ests; and

10 (H) such other factors as the Secretary de-
 11 termines to be appropriate to prioritize the use
 12 of available funds.

13 ***TITLE III—RECLAMATION INFRA-***
 14 ***STRUCTURE AND SETTLE-***
 15 ***MENT IMPLEMENTATION***

16 ***SEC. 301. RECLAMATION INFRASTRUCTURE AND SETTLE-***
 17 ***MENT IMPLEMENTATION.***

18 Consistent with section 104, for each of fiscal years
 19 2014 through 2035, the Secretary shall use not less than
 20 \$35,000,000, plus accrued interest, of the amounts author-
 21 ized to be expended from the Reclamation Infrastructure
 22 and Settlement Implementation Account established under
 23 section 102(3)—

24 (1) to provide compensation authorized under an
 25 Act of Congress to extinguish or otherwise resolve all

1 *monetary claims of an Indian tribe against the*
2 *United States relating to the continued and past use*
3 *of the land of the Indian tribe by the United States*
4 *for the generation of hydropower; or*

5 *(2) to complete construction, planning, and de-*
6 *sign of projects and implement provisions authorized*
7 *under one or more Acts of Congress that—*

8 *(A) settle or otherwise resolve, in whole or*
9 *in part, litigation involving the United States*
10 *and the rights of one or more federally recognized*
11 *Indian tribes to access, use, or manage water re-*
12 *sources; or*

13 *(B) implement agreements approved by*
14 *Congress pursuant to which one or more feder-*
15 *ally recognized Indian tribes agree to some limi-*
16 *tation on the exercise of rights or claims to ac-*
17 *cess, use, or manage water resources.*

1 **TITLE IV—REPAIR, REPLACE-**
 2 **MENT, AND MAINTENANCE OF**
 3 **CERTAIN INDIAN IRRIGATION**
 4 **PROJECTS**

5 **SEC. 401. REPAIR, REPLACEMENT, AND MAINTENANCE OF**
 6 **CERTAIN INDIAN IRRIGATION PROJECTS.**

7 (a) *IN GENERAL.*—The Secretary shall establish a pro-
 8 gram to address the deferred maintenance needs of Indian
 9 irrigation projects that—

10 (1) *create risks to public or employee safety or*
 11 *natural or cultural resources; and*

12 (2) *unduly impede the management and effi-*
 13 *ciency of the Indian irrigation program.*

14 (b) *FUNDING.*—Consistent with section 104, of the
 15 amounts authorized to be expended from the Indian Irriga-
 16 tion Account established under section 102(2), the Secretary
 17 shall use or transfer to the Bureau of Indian Affairs not
 18 less than \$35,000,000, plus accrued interest, for each of fis-
 19 cal years 2014 through 2035 to carry out maintenance, re-
 20 pair, and replacement activities for 1 or more of the Indian
 21 irrigation projects described in section 402 (including any
 22 structures, facilities, equipment, or vehicles used in connec-
 23 tion with the operation of those projects).

1 **SEC. 402. ELIGIBLE PROJECTS.**

2 *The projects eligible for funding under section 401(b)*
 3 *are the Indian irrigation projects in the western United*
 4 *States that, on the date of enactment of this Act—*

5 *(1) are owned by the Federal Government, as*
 6 *listed in the Federal inventory required by Executive*
 7 *Order 13327 (40 U.S.C. 121 note; relating to Federal*
 8 *real property asset management);*

9 *(2) are managed by the Bureau of Indian Affairs*
 10 *(including projects managed under contracts or com-*
 11 *pacts pursuant to the Indian Self-Determination and*
 12 *Education Assistance Act (25 U.S.C. 450 et seq.); and*

13 *(3) have deferred maintenance documented by*
 14 *the Bureau of Indian Affairs.*

15 **SEC. 403. REQUIREMENTS AND CONDITIONS.**

16 *Not later than 180 days after the date of enactment*
 17 *of this Act and as a precondition to amounts being ex-*
 18 *pended from the Fund to carry out this title, the Secretary*
 19 *of the Interior, in consultation with the Assistant Secretary*
 20 *for Indian Affairs, the Commissioner of the Bureau of Rec-*
 21 *lamation, and representatives of affected Indian tribes,*
 22 *shall develop and submit to Congress—*

23 *(1) programmatic goals to carry out this title*
 24 *that—*

1 (A) would enable the completion of repair-
2 ing, replacing, improving, or performing mainte-
3 nance on projects as expeditiously as possible;

4 (B) facilitate or improve the ability of the
5 Bureau of Indian Affairs to carry out the mis-
6 sion of the Bureau of Indian Affairs in oper-
7 ating a project; and

8 (C) ensure that the results of government-to-
9 government consultation required under section
10 405 be addressed; and

11 (2) funding prioritization criteria to serve as a
12 methodology for distributing funds under this title,
13 that take into account—

14 (A) the extent to which deferred mainte-
15 nance of qualifying irrigation projects poses a
16 threat to public or employee safety or health;

17 (B) the extent to which deferred mainte-
18 nance poses a threat to natural or cultural re-
19 sources;

20 (C) the extent to which deferred mainte-
21 nance poses a threat to the ability of the Bureau
22 of Indian Affairs to carry out the mission of the
23 Bureau of Indian Affairs in operating the
24 project;

1 (D) the extent to which repairing, replac-
 2 ing, improving, or performing maintenance on a
 3 facility or structure will—

4 (i) improve public or employee safety,
 5 health, or accessibility;

6 (ii) assist in compliance with codes,
 7 standards, laws, or other requirements;

8 (iii) address unmet needs; and

9 (iv) assist in protecting natural or cul-
 10 tural resources;

11 (E) the methodology of the rehabilitation
 12 priority index of the Secretary, as in effect on
 13 the date of enactment of this Act;

14 (F) the potential economic benefits of the ex-
 15 penditures on job creation and general economic
 16 development in the affected tribal communities;

17 (G) the ability of the qualifying project to
 18 address tribal, regional, and watershed level
 19 water supply needs; and

20 (H) such other factors as the Secretary de-
 21 termines to be appropriate to prioritize the use
 22 of available funds that are, to the fullest extent
 23 practicable, consistent with tribal and user rec-
 24 ommendations received pursuant to the consulta-
 25 tion and input process under section 405.

1 **SEC. 404. STUDY OF INDIAN IRRIGATION PROGRAM AND**
2 **PROJECT MANAGEMENT.**

3 (a) *TRIBAL CONSULTATION AND USER INPUT.*—Before
4 beginning to conduct the study required under subsection
5 (b), the Secretary of the Interior shall—

6 (1) *consult with the Indian tribes that have ju-*
7 *risdiction over the land on which an irrigation*
8 *project eligible to receive funding under section 402 is*
9 *located; and*

10 (2) *solicit and consider the input, comments, and*
11 *recommendations of the landowners served by the irri-*
12 *gation project.*

13 (b) *STUDY.*—Not later than 2 years after the date of
14 enactment of this Act, the Secretary of the Interior, acting
15 through the Assistant Secretary for Indian Affairs, shall
16 complete a study that evaluates options for improving pro-
17 grammatic and project management and performance of ir-
18 rigation projects managed and operated in whole or in part
19 by the Bureau of Indian Affairs.

20 (c) *REPORT.*—On completion of the study under sub-
21 section (b), the Secretary of the Interior, acting through the
22 Assistant Secretary for Indian Affairs, shall submit to the
23 Committees on Energy and Natural Resources and Indian
24 Affairs of the Senate and the Committee on Natural Re-
25 sources of the House of Representatives a report that—

26 (1) *describes the results of the study; and*

1 (2) *includes recommendations for improving pro-*
 2 *grammatic and project management and performance*
 3 *in each qualifying project area and for the program*
 4 *as a whole.*

5 (d) *FUNDING.*—*Of the amounts authorized to be ex-*
 6 *pended from the Indian Irrigation Account established*
 7 *under section 102(2), \$1,000,000 shall be made available*
 8 *during fiscal year 2014 to carry out this section, to remain*
 9 *available until expended.*

10 **SEC. 405. TRIBAL CONSULTATION AND USER INPUT.**

11 *Before expending funds on an Indian irrigation*
 12 *project pursuant to section 401, the Secretary of the Interior*
 13 *shall—*

14 (1) *consult with the Indian tribe that has juris-*
 15 *diction over the land on which an irrigation project*
 16 *eligible to receive funding under section 402 is lo-*
 17 *cated; and*

18 (2) *solicit and consider the input, comments, and*
 19 *recommendations of the landowners served by the irri-*
 20 *gation project.*

21 **SEC. 406. ALLOCATION AMONG PROJECTS.**

22 (a) *IN GENERAL.*—*Subject to subsection (b), to the*
 23 *maximum extent practicable, the Secretary shall ensure*
 24 *that, for each of fiscal years 2014 through 2035, each Indian*
 25 *irrigation project eligible for funding under section 402 that*

1 *has critical maintenance needs receives part of the funding*
 2 *under section 401 to address critical maintenance needs.*

3 (b) *PRIORITY.—In allocating amounts under section*
 4 *401(b), in addition to considering the funding priorities de-*
 5 *scribed in section 403, the Secretary shall give priority to*
 6 *Indian irrigation projects for which funding has not been*
 7 *made available during the 15-year period ending on the day*
 8 *before the date of enactment of this Act under any other*
 9 *Act of Congress that expressly identifies the Indian irriga-*
 10 *tion project or the Indian reservation of the project to ad-*
 11 *dress the deferred maintenance, repair, or replacement*
 12 *needs of the Indian irrigation project.*

13 (c) *CAP ON FUNDING.—*

14 (1) *IN GENERAL.—Subject to paragraph (2), in*
 15 *allocating amounts under section 401(b), the Sec-*
 16 *retary shall allocate not more than \$15,000,000 to*
 17 *any individual Indian irrigation project described in*
 18 *section 402 during any consecutive 3-year period.*

19 (2) *EXCEPTION.—Notwithstanding the cap de-*
 20 *scribed in paragraph (1), if the full amount under*
 21 *section 401(b) cannot be fully allocated to eligible ir-*
 22 *rigation projects because the only remaining activities*
 23 *authorized in section 401(b) are for irrigation*
 24 *projects that would exceed the cap described in para-*
 25 *graph (1), the Secretary may allocate the remaining*

1 *funds to eligible irrigation projects in accordance*
2 *with this title.*

3 *(d) BASIS OF FUNDING.—Any amounts made avail-*
4 *able under this section shall be nonreimbursable.*

5 *(e) APPLICABILITY OF ISDEAA.—The Indian Self-De-*
6 *termination and Education Assistance Act (25 U.S.C. 450*
7 *et seq.) shall apply to activities carried out under this sec-*
8 *tion.*

Calendar No. 393

113TH CONGRESS
2D Session

S. 715

[Report No. 113-167]

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.

May 22, 2014

Reported with an amendment