

“(D) \$33,499,551 for fiscal year 2013;  
 “(E) \$38,489,576 for fiscal year 2014;  
 “(F) \$43,581,756 for fiscal year 2015;  
 “(G) \$49,390,281 for fiscal year 2016;  
 “(H) \$53,031,896 for fiscal year 2017;  
 “(I) \$57,162,321 for fiscal year 2018;  
 “(J) \$61,656,474 for fiscal year 2019; and  
 “(K) \$66,607,923 for fiscal year 2020; and  
 “(3) of the Administration—  
 “(A) \$2,103,237 for fiscal year 2010;  
 “(B) \$4,905,768 for fiscal year 2011;  
 “(C) \$6,345,868 for fiscal year 2012;  
 “(D) \$8,374,888 for fiscal year 2013;  
 “(E) \$9,622,394 for fiscal year 2014;  
 “(F) \$10,895,439 for fiscal year 2015;  
 “(G) \$12,347,570 for fiscal year 2016;  
 “(H) \$13,257,974 for fiscal year 2017;  
 “(I) \$14,290,580 for fiscal year 2018;  
 “(J) \$15,414,118 for fiscal year 2019; and  
 “(K) \$16,651,981 for fiscal year 2020.  
 “(b) EVALUATION AND TECHNICAL ASSISTANCE.—

“(1) CONDITIONS TO RECEIPT OF GRANT.—In awarding grants under this title, the Secretary shall condition receipt of the grant for the second and subsequent grant years on a satisfactory determination that the State agency is meeting benchmarks specified in the grant agreement for each grant awarded under this title.

“(2) EVALUATIONS.—The Secretary shall measure and evaluate, either directly or through grants or contracts, the impact of the programs authorized under this title. Not later than June 1 of the year that is 6 years after the year of the date of enactment of the Project 2020: Building on the Promise of Home and Community-Based Services Act of 2009 and every 2 years thereafter, the Secretary shall—

“(A) compile the reports of the measures and evaluations of the grantees;

“(B) establish benchmarks to show progress toward savings; and

“(C) present a compilation of the information under this paragraph to Congress.

“(3) TECHNICAL ASSISTANCE GRANTS.—The Secretary shall award technical assistance grants, including State specific grants whenever practicable, to carry out the programs authorized under this title.

“(4) TRANSFER.—There are authorized to be appropriated for such evaluation and technical assistance under this subsection—

“(A) \$4,206,474 for fiscal year 2010;

“(B) \$9,811,535 for fiscal year 2011;

“(C) \$8,461,158 for fiscal year 2012;

“(D) \$11,166,517 for fiscal year 2013;

“(E) \$12,829,859 for fiscal year 2014;

“(F) \$14,527,252 for fiscal year 2015;

“(G) \$16,463,427 for fiscal year 2016;

“(H) \$17,677,299 for fiscal year 2017;

“(I) \$19,054,107 for fiscal year 2018;

“(J) \$20,552,158 for fiscal year 2019; and

“(K) \$22,202,641 for fiscal year 2020.

“(c) AVAILABILITY.—Funds appropriated under this section shall remain available until expended.”.

By Mr. UDALL, of Colorado (for himself and Mr. BENNET:)

S. 1264. A bill to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian Tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Indian Affairs.

Mr. UDALL of Colorado. Mr. President, today I rise to discuss a bill that I introduced, which seeks to rehabilitate an important irrigation and flood

control system that is vital to serving the agricultural and flood protection needs in Southwestern Colorado.

More than 100 years ago, both Indian and non-Indian communities utilized the water from the Los Pinos or Pine River to irrigate areas of Southwest Colorado. As the population and local agriculture grew, so did the need for more advanced infrastructure. In 1936, the Pine River Indian Irrigation Project was authorized by Congress in the Department of Interior Appropriation Act, and in 1937 the project grew the system's capacity to provide water for over 63,000 acres of land. The development of this project provided much needed protection for crops and communities from spring floods and summer drought.

Today, similar forces of population growth and a steady demand for irrigated water are exacerbated by aging and deteriorating infrastructure, creating a need for a stronger system. The Government Accountability Office has found the deterioration of key project facilities to be severe. As deferred maintenance and upkeep mount, there is a growing threat to water conservation efforts, a reliable water supply, growth in agricultural production, economic sustainability, a safe community, and, equally important, the preservation of culture and livelihood of the Southern Ute Indian Tribe. Though the Southern Ute Tribe and others who live along the Pine River understand the hazards presented by aging infrastructure, more needs to be done to comprehend the full extent of these hazards.

Tribal members, who would like to bring idle lands back into agricultural production and continue as good stewards of the land, cannot be sure if much-needed water will get to their lands as a result of failed structures, overdue maintenance, and inadequate funding. Now, the estimated costs to rehabilitate the system far exceed the ability of water users to pay for improvements while managing profitable operations.

The Pine River Indian Irrigation Project Act of 2009 would fix decades of neglect and inadequate funding for the Pine River Indian Irrigation Project. This legislation would direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to fully assess the needs of the Pine River Indian Irrigation Project. It would also grant the authority to the Secretary of the Interior to provide grants to, and enter into cooperative agreements with the Southern Ute Indian Tribe of Colorado to assess and repair infrastructure so that it more suitably meets user needs. The funding that would be provided in this bill is an essential step toward assuring that both Indians and non-Indians have access to the water they need, when they need it. I look forward to working with my colleagues on both sides of the aisle to move this bill toward passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1264

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Pine River Indian Irrigation Project Act of 2009”.

#### SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including on the Southern Ute Indian Reservation in southwestern Colorado;

(2)(A) a report of the Government Accountability Office dated 2006 identified significant issues with the Pine River Indian Irrigation Project, including the issue that, at the time of the study, the Bureau of Indian Affairs estimated that total deferred maintenance costs for the Project exceeded \$20,000,000; and

(B) other estimates have placed those costs at more than \$60,000,000;

(3) the report of the Government Accountability Office demonstrates that key facilities of the Project are severely deteriorated;

(4) operations and maintenance fees are not sufficient to address the condition of the Project, even though the Bureau of Indian Affairs has sought to double those fees, from \$8.50 to \$17, in recent years;

(5) the report of the Government Accountability Office also notes that a prior study done by the Bureau of Reclamation determined that water users could not afford to pay operations and maintenance fees of \$8.50 and operate a profitable farming operation;

(6) the benefits of rehabilitating and repairing the irrigation infrastructure of the Project include—

(A) water conservation;

(B) extending available water supply;

(C) increased agricultural production;

(D) economic benefits;

(E) safer facilities; and

(F) the preservation of the culture of the Southern Ute Indian Tribe;

(7) while, as of the date of enactment of this Act, the Project is managed by the Bureau of Indian Affairs, the Southern Ute Indian Tribe also receives water from facilities owned or operated by the Bureau of Reclamation; and

(8) rehabilitation and repair of the infrastructure of the Project by the Bureau of Reclamation would improve—

(A) overall water management; and

(B) the ability of the Southern Ute Indian Tribe and the Bureau of Reclamation to address potential water conflicts.

(b) PURPOSE.—The purpose of this Act is to require the Secretary of the Interior—

(1) to assess the condition of infrastructure of the Pine River Indian Irrigation Project;

(2) to establish priorities for the rehabilitation of irrigation infrastructure within the Project according to specified criteria; and

(3) to implement rehabilitation activities for the irrigation infrastructure of the Project.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) PROJECT.—The term “Project” means the Pine River Indian Irrigation Project.

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

(3) STATE.—The term “State” means the State of Colorado.

(4) TRIBAL COUNCIL.—The term “Tribal Council” means the Southern Ute Indian Tribal Council.

(5) TRIBE.—The term “Tribe” means the Southern Ute Indian Tribe.

#### SEC. 4. STUDY OF IRRIGATION INFRASTRUCTURE OF PROJECT.

##### (a) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, in consultation with the Tribe, shall—

(A) conduct a study of the irrigation infrastructure of the Project; and

(B) based on the results of the study, develop a list of activities (including a cost estimate for each activity) that are recommended to be implemented during the 10-year period beginning on the date of completion of the study to repair, rehabilitate, or reconstruct that irrigation infrastructure.

##### (2) FACTORS FOR CONSIDERATION.—

(A) IN GENERAL.—In developing the list under paragraph (1)(B), the Secretary shall give priority to activities based on—

(i) a review of the priority factors described in subparagraph (B) with respect to the activity;

(ii) recommendations of the Tribe, if any; and

(iii) a consideration of the projected benefits of each activity on completion of the Project.

(B) PRIORITY FACTORS.—The priority factors referred to in subparagraph (A)(i) are—

(i) any threat to the health and safety of—

(I) a member of the Tribe;

(II) an employee of the irrigation operations and maintenance program of the Bureau of Indian Affairs; or

(III) the general public;

(ii) the extent of disrepair of the irrigation infrastructure of the Project and the effect of the disrepair on the ability of users of the Project to irrigate agricultural land using that irrigation infrastructure;

(iii) whether, and the extent to which, the repair, rehabilitation, or reconstruction of the irrigation infrastructure of the Project would provide an opportunity to conserve water;

(iv)(I) the economic and cultural impacts the irrigation infrastructure of the Project that is in disrepair has on the Tribe; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of that irrigation infrastructure would have on the Tribe;

(v) the opportunity to address water supply or environmental conflicts if the irrigation infrastructure of the Project is repaired, rehabilitated, or reconstructed; and

(vi) the overall benefits of the activity to efficient water operations on the land of the Tribe.

(3) CONSULTATION.—In carrying out the study under this subsection, the Secretary shall consult with the Assistant Secretary for Indian Affairs and other relevant Federal and local officials to evaluate the extent to which programs under the jurisdiction of each Federal and local agency may be used to develop—

(A) the list of activities under paragraph (1)(B); or

(B) the report under subsection (b).

##### (b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Tribe a report that includes—

(A) the list of activities recommended for implementation under subsection (a)(1)(B); and

(B) any findings of the Secretary with respect to—

(i) the study under subsection (a);

(ii) consideration of the factors described in subsection (a)(2); and

(iii) any consultation required under subsection (a)(3).

(2) BIENNIAL REVIEW.—Not later than 2 years after the date on which the Secretary submits the report under paragraph (1) and every 2 years thereafter, the Secretary, in consultation with the Tribe, shall—

(A) review the report; and

(B) update the list of activities under subsection (a)(1)(B) in accordance with each factor described in subsection (a)(2), as the Secretary determines to be appropriate.

#### SEC. 5. IRRIGATION INFRASTRUCTURE GRANTS AND AGREEMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may provide grants to, and enter into cooperative agreements with, the Tribe to plan, design, construct, or otherwise implement any activity to repair, rehabilitate, reconstruct, or replace irrigation infrastructure of the Project, if the activity is recommended for implementation on the list under section 4(a)(1)(B).

(b) LIMITATION.—Assistance provided under subsection (a) shall not be used for any on-farm improvement.

(c) CONSULTATION AND COORDINATION.—In providing assistance under subsection (a), the Secretary shall—

(1) consult with, and obtain the approval of, the Tribe;

(2) consult with the Assistant Secretary for Indian Affairs; and

(3) as appropriate, coordinate the activity with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

##### (d) COST SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the total cost of carrying out an activity using assistance under subsection (a) shall be not more than 75 percent.

(2) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under paragraph (1) on request of the Tribe.

#### SEC. 6. EFFECT OF ACT.

(a) WATER RIGHTS OF TRIBE.—Nothing in this Act (including the implementation of any activity carried out in accordance with this Act) affects any right of the Tribe to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(b) STATE WATER LAW.—Nothing in this Act preempts or affects—

(1) any provision of water law of the State; or

(2) any interstate compact governing water.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) STUDY.—There is authorized to be appropriated to carry out the study under section 4 \$4,000,000.

(b) IRRIGATION INFRASTRUCTURE GRANTS AND AGREEMENTS.—There is authorized to be appropriated to carry out section 5 \$10,000,000 for each of fiscal years 2010 through 2015.

#### SUBMITTED RESOLUTIONS

#### SENATE CONCURRENT RESOLUTION 27—DIRECTING THE ARCHITECT OF THE CAPITOL TO ENGRAVE THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO OF “IN GOD WE TRUST” IN THE CAPITOL VISITOR CENTER

Mr. DEMINT (for himself, Mr. BARRASSO, Mr. BROWNBAC, Mr. BUNNING, Mr. BYRD, Mr. CRAPO, Mr. ENZI, Mr. INHOFE, Mr. THUNE, and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 27

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. ENGRAVING OF PLEDGE OF ALLEGIANCE TO THE FLAG AND NATIONAL MOTTO IN CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of “In God we trust” in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

#### SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the majority leader be authorized to sign duly enrolled bills or joint resolutions from Monday, June 15 to Wednesday, June 18.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, JUNE 16, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, June 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with Senators permitted to speak for up to 10 minutes each; finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Under a previous order, following morning business tomorrow, the Senate will resume consideration of the motion to proceed to S. 1023, the Travel Promotion Act of 2009. There will be up to 1 hour for debate prior to a cloture vote on the motion to proceed

to the bill. Senators should expect the cloture vote to begin as early as 11:45 a.m. tomorrow.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:31 p.m., adjourned until Tuesday, June 16, 2009, at 10 a.m.