

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a program to address the deferred maintenance needs of Indian irrigation projects.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 715

To authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, 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 Mr. BARRASSO

Viz:

1 At the end, add the following:

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

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

8 (a) IN GENERAL.—The Secretary shall establish a
9 program to address the deferred maintenance needs of In-
10 dian irrigation projects that—

1 (1) create risks to public or employee safety or
2 natural or cultural resources; and

3 (2) unduly impede the management and effi-
4 ciency of the Indian irrigation program.

5 (b) FUNDING.—Consistent with section 104, of the
6 amounts authorized to be expended from the Indian Irri-
7 gation Account established under section 102(2), the Sec-
8 retary shall use or transfer to the Bureau of Indian Af-
9 fairs not less than \$35,000,000, plus accrued interest, for
10 each of fiscal years 2014 through 2035 to carry out main-
11 tenance, repair, and replacement activities for 1 or more
12 of the Indian irrigation projects described in section 402
13 (including any structures, facilities, equipment, or vehicles
14 used in connection with the operation of those projects).

15 **SEC. 402. ELIGIBLE PROJECTS.**

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

19 (1) are owned by the Federal Government, as
20 listed in the Federal inventory required by Executive
21 Order 13327 (40 U.S.C. 121 note; relating to Fed-
22 eral real property asset management);

23 (2) are managed by the Bureau of Indian Af-
24 fairs (including projects managed under contracts or
25 compacts pursuant to the Indian Self-Determination

1 and Education Assistance Act (25 U.S.C. 450 et
2 seq.); and

3 (3) have deferred maintenance documented by
4 the Bureau of Indian Affairs.

5 **SEC. 403. REQUIREMENTS AND CONDITIONS.**

6 Not later than 180 days after the date of enactment
7 of this Act and as a precondition to amounts being ex-
8 pended from the Fund to carry out this title, the Secretary
9 of the Interior, in consultation with the Assistant Sec-
10 retary for Indian Affairs, the Commissioner of the Bureau
11 of Reclamation, and representatives of affected Indian
12 tribes, shall develop and submit to Congress—

13 (1) programmatic goals to carry out this title
14 that—

15 (A) would enable the completion of repair-
16 ing, replacing, improving, or performing main-
17 tenance on projects as expeditiously as possible;

18 (B) facilitate or improve the ability of the
19 Bureau of Indian Affairs to carry out the mis-
20 sion of the Bureau of Indian Affairs in oper-
21 ating a project; and

22 (C) ensure that the results of government-
23 to-government consultation required under sec-
24 tion 405 be addressed; and

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

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

7 (B) the extent to which deferred mainte-
8 nance poses a threat to natural or cultural re-
9 sources;

10 (C) the extent to which deferred mainte-
11 nance poses a threat to the ability of the Bu-
12 reau of Indian Affairs to carry out the mission
13 of the Bureau of Indian Affairs in operating the
14 project;

15 (D) the extent to which repairing, replac-
16 ing, improving, or performing maintenance on a
17 facility or structure will—

18 (i) improve public or employee safety,
19 health, or accessibility;

20 (ii) assist in compliance with codes,
21 standards, laws, or other requirements;

22 (iii) address unmet needs; and

23 (iv) assist in protecting natural or cul-
24 tural resources;

1 (E) the methodology of the rehabilitation
2 priority index of the Secretary, as in effect on
3 the date of enactment of this Act;

4 (F) the potential economic benefits of the
5 expenditures on job creation and general eco-
6 nomic development in the affected tribal com-
7 munities;

8 (G) the ability of the qualifying project to
9 address tribal, regional, and watershed level
10 water supply needs; and

11 (H) such other factors as the Secretary de-
12 termines to be appropriate to prioritize the use
13 of available funds that are, to the fullest extent
14 practicable, consistent with tribal and user rec-
15 ommendations received pursuant to the con-
16 sultation and input process under section 405.

17 **SEC. 404. STUDY OF INDIAN IRRIGATION PROGRAM AND**
18 **PROJECT MANAGEMENT.**

19 (a) TRIBAL CONSULTATION AND USER INPUT.—Be-
20 fore beginning to conduct the study required under sub-
21 section (b), the Secretary of the Interior shall—

22 (1) consult with the Indian tribes that have ju-
23 risdiction over the land on which an irrigation
24 project eligible to receive funding under section 402
25 is located; and

1 (2) solicit and consider the input, comments,
2 and recommendations of the landowners served by
3 the irrigation project.

4 (b) STUDY.—Not later than 2 years after the date
5 of enactment of this Act, the Secretary of the Interior,
6 acting through the Assistant Secretary for Indian Affairs,
7 shall complete a study that evaluates options for improv-
8 ing programmatic and project management and perform-
9 ance of irrigation projects managed and operated in whole
10 or in part by the Bureau of Indian Affairs.

11 (c) REPORT.—On completion of the study under sub-
12 section (b), the Secretary of the Interior, acting through
13 the Assistant Secretary for Indian Affairs, shall submit
14 to the Committees on Energy and Natural Resources and
15 Indian Affairs of the Senate and the Committee on Nat-
16 ural Resources of the House of Representatives a report
17 that—

18 (1) describes the results of the study; and

19 (2) includes recommendations for improving
20 programmatic and project management and per-
21 formance in each qualifying project area and for the
22 program as a whole.

23 (d) FUNDING.—Of the amounts authorized to be ex-
24 pended from the Indian Irrigation Account established
25 under section 102(2), \$1,000,000 shall be made available

1 during fiscal year 2014 to carry out this section, to remain
2 available until expended.

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

4 Before expending funds on an Indian irrigation
5 project pursuant to section 401, the Secretary of the Inte-
6 rior shall—

7 (1) consult with the Indian tribe that has juris-
8 diction over the land on which an irrigation project
9 eligible to receive funding under section 402 is lo-
10 cated; and

11 (2) solicit and consider the input, comments,
12 and recommendations of the landowners served by
13 the irrigation project.

14 **SEC. 406. ALLOCATION AMONG PROJECTS.**

15 (a) IN GENERAL.—Subject to subsection (b), to the
16 maximum extent practicable, the Secretary shall ensure
17 that, for each of fiscal years 2014 through 2035, each In-
18 dian irrigation project eligible for funding under section
19 402 that has critical maintenance needs receives part of
20 the funding under section 401 to address critical mainte-
21 nance needs.

22 (b) PRIORITY.—In allocating amounts under section
23 401(b), in addition to considering the funding priorities
24 described in section 403, the Secretary shall give priority
25 to Indian irrigation projects for which funding has not

1 been made available during the 15-year period ending on
2 the day before the date of enactment of this Act under
3 any other Act of Congress that expressly identifies the In-
4 dian irrigation project or the Indian reservation of the
5 project to address the deferred maintenance, repair, or re-
6 placement needs of the Indian irrigation project.

7 (c) CAP ON FUNDING.—

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

13 (2) EXCEPTION.—Notwithstanding the cap de-
14 scribed in paragraph (1), if the full amount under
15 section 401(b) cannot be fully allocated to eligible ir-
16 rigation projects because the only remaining activi-
17 ties authorized in section 401(b) are for irrigation
18 projects that would exceed the cap described in para-
19 graph (1), the Secretary may allocate the remaining
20 funds to eligible irrigation projects in accordance
21 with this title.

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

24 (e) APPLICABILITY OF ISDEAA.—The Indian Self-
25 Determination and Education Assistance Act (25 U.S.C.

1 450 et seq.) shall apply to activities carried out under this
2 section.