

Calendar No. 1080110TH CONGRESS
2^D SESSION**S. 3128****[Report No. 110-502]**

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.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2008

Mr. KYL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. DORGAN, with an amendment

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

A BILL

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 condition that the Tribe
21 and the Secretary have executed a cooperative agreement
22 under section 4(a), not later than 90 days after the date
23 of enactment of this Act, the Secretary shall provide to
24 the Tribe a loan in an amount equal to \$9,800,000, ad-
25 justed, as appropriate, based on ordinary fluctuations in
26 engineering cost indices applicable to the Miner Flat

1 Project during the period beginning on October 1, 2007,
 2 and ending on the date on which the loan is provided, as
 3 determined by the Secretary, to carry out planning, engi-
 4 neering, and design of the Miner Flat Project in accord-
 5 ance with section 4.

6 (b) TERMS AND CONDITIONS OF LOAN.—

7 (1) INTEREST; TERM.—The loan provided
 8 under subsection (a) shall—

9 (A) be at a rate of interest of 0 percent;
 10 and

11 (B) be repaid over a term of 10 years, be-
 12 ginning on January 1, 2013.

13 (2) FUNDS FOR REPAYMENT.—

14 (A) IN GENERAL.—For each of fiscal years
 15 2013 and 2014, in lieu of direct repayment by
 16 the Tribe of the loan provided under subsection
 17 (a), the amount described in subparagraph (B)
 18 shall be credited toward repayment of the loan.

19 (B) DESCRIPTION OF AMOUNT.—The
 20 amount referred to in subparagraph (A) is a
 21 portion of the funds in the Lower Colorado
 22 River Development Fund pursuant to section
 23 403(f)(2)(D)(vi) of the Colorado River Basin
 24 Project Act (43 U.S.C. 1543(f)(2)(D)(vi)) equal
 25 to—

- 1 (i) for fiscal year 2013, 50 percent of
 2 the outstanding balance of the loan under
 3 subsection (a) as of October 1, 2012; and
 4 (ii) for fiscal year 2014, the remain-
 5 ing balance of the loan as of October 1,
 6 2013.

7 (c) ~~ADMINISTRATION.~~—Subject to section 4, the Sec-
 8 retary shall administer the planning, engineering, and de-
 9 sign of the Miner Flat Project.

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

11 (a) ~~COOPERATIVE AGREEMENT.~~—

12 (1) ~~IN GENERAL.~~—Not later than 90 days after
 13 the date of enactment of this Act, the Secretary
 14 shall offer to enter into a cooperative agreement
 15 with the Tribe for the planning, engineering, and de-
 16 sign of the Miner Flat Project in accordance with
 17 this Act.

18 (2) ~~MANDATORY PROVISIONS.~~—A cooperative
 19 agreement under paragraph (1) shall specify, in a
 20 manner that is acceptable to the Secretary and the
 21 Tribe, the rights, responsibilities, and liabilities of
 22 each party to the agreement.

23 (b) ~~APPLICABILITY OF INDIAN SELF-DETERMINA-~~
 24 ~~TION AND EDUCATION ASSISTANCE ACT.~~—Each activity
 25 for the planning, engineering, or design, of the Miner Flat

1 Project shall be subject to the requirements of the Indian
2 Self-Determination and Education Assistance Act (25
3 U.S.C. 450 et seq.).

4 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “White Mountain Apache*
9 *Tribe Rural Water System Loan Authorization Act”.*

10 **SEC. 2. DEFINITIONS.**

11 (a) *MINER FLAT PROJECT.*—*The term “Miner Flat*
12 *Project” means the White Mountain Apache Rural Water*
13 *System, comprised of the Miner Flat Dam and associated*
14 *domestic water supply components, as described in the*
15 *project extension report dated February 2007.*

16 (b) *SECRETARY.*—*The term “Secretary” means the*
17 *Secretary of the Interior, acting through the Commissioner*
18 *of Reclamation (or any other designee of the Secretary).*

19 (c) *TRIBE.*—*The term “Tribe” means the White Moun-*
20 *tain Apache Tribe, a federally recognized Indian tribe orga-*
21 *nized pursuant to section 16 of the Indian Reorganization*
22 *Act of 1934 (25 U.S.C. 476 et seq.).*

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

24 (a) *LOAN.*—*Subject to the availability of appropria-*
25 *tions and the condition that the Tribe and the Secretary*

1 *have executed a cooperative agreement under section 4(a),*
 2 *not later than 90 days after the date on which amounts*
 3 *are made available to carry out this section and the cooper-*
 4 *ative agreement has been executed, the Secretary shall pro-*
 5 *vide to the Tribe a loan in an amount equal to \$9,800,000,*
 6 *adjusted, as appropriate, based on ordinary fluctuations in*
 7 *engineering cost indices applicable to the Miner Flat Project*
 8 *during the period beginning on October 1, 2007, and ending*
 9 *on the date on which the loan is provided, as determined*
 10 *by the Secretary, to carry out planning, engineering, and*
 11 *design of the Miner Flat Project in accordance with section*
 12 *4.*

13 *(b) TERMS AND CONDITIONS OF LOAN.—The loan pro-*
 14 *vided under subsection (a) shall—*

15 *(1) be at a rate of interest of 0 percent; and*

16 *(2) be repaid over a term of 25 years, beginning*
 17 *on January 1, 2013.*

18 *(c) ADMINISTRATION.—Subject to section 4, the Sec-*
 19 *retary shall administer the planning, engineering, and de-*
 20 *sign of the Miner Flat Project.*

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

22 *(a) COOPERATIVE AGREEMENT.—*

23 *(1) IN GENERAL.—Not later than 90 days after*
 24 *the date of enactment of this Act, the Secretary shall*
 25 *offer to enter into a cooperative agreement with the*

1 *Tribe for the planning, engineering, and design of the*
2 *Miner Flat Project in accordance with this Act.*

3 (2) **MANDATORY PROVISIONS.**—*A cooperative*
4 *agreement under paragraph (1) shall—*

5 (A) *specify, in a manner that is acceptable*
6 *to the Secretary and the Tribe, the rights, re-*
7 *sponsibilities, and liabilities of each party to the*
8 *agreement; and*

9 (B) *require that the planning, engineering,*
10 *design, and construction of the Miner Flat*
11 *Project be in accordance with all applicable Fed-*
12 *eral environmental laws.*

13 (b) **APPLICABILITY OF INDIAN SELF-DETERMINATION**
14 **AND EDUCATION ASSISTANCE ACT.**—*Each activity for the*
15 *planning, engineering, or design of the Miner Flat Project*
16 *shall be subject to the requirements of the Indian Self-Deter-*
17 *mination and Education Assistance Act (25 U.S.C. 450 et*
18 *seq.).*

19 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

20 *There are authorized to be appropriated such sums as*
21 *are necessary to carry out this Act.*

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