

DECEMBER 5, 2016

RULES COMMITTEE PRINT 114-69

TEXT OF HOUSE AMENDMENT TO S. 612, TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 1300 VICTORIA STREET IN LAREDO, TEXAS, AS THE “GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE”

[Showing the text of the Water Infrastructure Improvements for the Nation (WIIN) Act]

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Water Infrastructure Improvements for the Nation Act”
4 or the “WIIN Act”.

19 **Subtitle B—Irrigation Rehabilita-**
20 **tion and Renovation for Indian**
21 **Tribal Governments and Their**
22 **Economies**

23 **SEC. 3201. DEFINITIONS.**

24 In this subtitle:

1 (1) DEFERRED MAINTENANCE.—The term “de-
2 ferred maintenance” means any maintenance activity
3 that was delayed to a future date, in lieu of being
4 carried out at the time at which the activity was
5 scheduled to be, or otherwise should have been, car-
6 ried out.

7 (2) FUND.—The term “Fund” means the In-
8 dian Irrigation Fund established by section 3211.

9 (3) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 5304).

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 **PART I—INDIAN IRRIGATION FUND**

16 **SEC. 3211. ESTABLISHMENT.**

17 There is established in the Treasury of the United
18 States a fund, to be known as the “Indian Irrigation
19 Fund”, consisting of—

20 (1) such amounts as are deposited in the Fund
21 under section 3212; and

22 (2) any interest earned on investment of
23 amounts in the Fund under section 3214.

1 **SEC. 3212. DEPOSITS TO FUND.**

2 (a) IN GENERAL.—For each of fiscal years 2017
3 through 2021, the Secretary of the Treasury shall deposit
4 in the Fund \$35,000,000 from the general fund of the
5 Treasury.

6 (b) AVAILABILITY OF AMOUNTS.—Amounts depos-
7 ited in the Fund under subsection (a) shall be used, sub-
8 ject to appropriation, to carry out this subtitle.

9 **SEC. 3213. EXPENDITURES FROM FUND.**

10 (a) IN GENERAL.—Subject to subsection (b), for each
11 of fiscal years 2017 through 2021, the Secretary may, to
12 the extent provided in advance in appropriations Acts, ex-
13 pend from the Fund, in accordance with this subtitle, not
14 more than the sum of—

15 (1) \$35,000,000; and

16 (2) the amount of interest accrued in the Fund.

17 (b) ADDITIONAL EXPENDITURES.—The Secretary
18 may expend more than \$35,000,000 for any fiscal year
19 referred to in subsection (a) if the additional amounts are
20 available in the Fund as a result of a failure of the Sec-
21 retary to expend all of the amounts available under sub-
22 section (a) in 1 or more prior fiscal years.

23 **SEC. 3214. INVESTMENTS OF AMOUNTS.**

24 (a) IN GENERAL.—The Secretary of the Treasury
25 shall invest such portion of the Fund as is not, in the judg-

1 ment of the Secretary, required to meet current with-
2 draws.

3 (b) CREDITS TO FUND.—The interest on, and the
4 proceeds from the sale or redemption of, any obligations
5 held in the Fund shall be credited to, and form a part
6 of, the Fund.

7 **SEC. 3215. TRANSFERS OF AMOUNTS.**

8 (a) IN GENERAL.—The amounts required to be
9 transferred to the Fund under this part shall be trans-
10 ferred at least monthly from the general fund of the
11 Treasury to the Fund on the basis of estimates made by
12 the Secretary of the Treasury.

13 (b) ADJUSTMENTS.—Proper adjustment shall be
14 made in amounts subsequently transferred to the extent
15 prior estimates are in excess of or less than the amounts
16 required to be transferred.

17 **SEC. 3216. TERMINATION.**

18 On September 30, 2021—

19 (1) the Fund shall terminate; and

20 (2) the unexpended and unobligated balance of
21 the Fund shall be transferred to the general fund of
22 the Treasury.

1 **PART II—REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS**

2 **SEC. 3221. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.**

3 (a) IN GENERAL.—The Secretary shall establish a
4 program to address the deferred maintenance needs and
5 water storage needs of Indian irrigation projects that—

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

8 (2) unduly impede the management and efficiency of the Indian irrigation program.

9 (b) FUNDING.—Consistent with section 3213, the
10 Secretary shall use or transfer to the Bureau of Indian
11 Affairs not less than \$35,000,000 of amounts in the Fund,
12 plus accrued interest, for each of fiscal years 2017
13 through 2021 to carry out maintenance, repair, and re-
14 placement activities for 1 or more of the Indian irrigation
15 projects described in section 3222 (including any struc-
16 tures, facilities, equipment, personnel, or vehicles used in
17 connection with the operation of those projects), subject
18 to the condition that the funds expended under this part
19 shall not be—

20 (1) subject to reimbursement by the owners of
21 the land served by the Indian irrigation projects; or

1 (2) assessed as debts or liens against the land
2 served by the Indian irrigation projects.

3 **SEC. 3222. ELIGIBLE PROJECTS.**

4 The projects eligible for funding under section
5 3221(b) are the Indian irrigation projects in the western
6 United States that, on the date of enactment of this Act—

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

11 (2) are managed and operated by the Bureau of
12 Indian Affairs (including projects managed, oper-
13 ated, or maintained under contracts or compacts
14 pursuant to the Indian Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C. 5301 et seq.); and

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

18 **SEC. 3223. REQUIREMENTS AND CONDITIONS.**

19 Not later than 120 days after the date of enactment
20 of this Act and as a precondition to amounts being ex-
21 pended from the Fund to carry out this part, the Sec-
22 retary, in consultation with the Assistant Secretary for In-
23 dian Affairs and representatives of affected Indian tribes,
24 shall develop and submit to Congress—

1 (1) programmatic goals to carry out this part
2 that—

3 (A) would enable the completion of repair-
4 ing, replacing, modernizing, or performing
5 maintenance on projects as expeditiously as
6 practicable;

7 (B) facilitate or improve the ability of the
8 Bureau of Indian Affairs to carry out the mis-
9 sion of the Bureau of Indian Affairs in oper-
10 ating a project;

11 (C) ensure that the results of government-
12 to-government consultation required under sec-
13 tion 3225 be addressed; and

14 (D) would facilitate the construction of
15 new water storage using non-Federal contribu-
16 tions to address tribal, regional, and watershed-
17 level supply needs; and

18 (2) funding prioritization criteria to serve as a
19 methodology for distributing funds under this part,
20 that take into account—

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

1 (B) the extent to which deferred mainte-
2 nance poses a threat to natural or cultural re-
3 sources;

4 (C) the extent to which deferred mainte-
5 nance poses a threat to the ability of the Bu-
6 reau of Indian Affairs to carry out the mission
7 of the Bureau of Indian Affairs in operating the
8 project;

9 (D) the extent to which repairing, replac-
10 ing, modernizing, or performing maintenance on
11 a facility or structure will—

12 (i) improve public or employee safety,
13 health, or accessibility;

14 (ii) assist in compliance with codes,
15 standards, laws, or other requirements;

16 (iii) address unmet needs; and

17 (iv) assist in protecting natural or cul-
18 tural resources;

19 (E) the methodology of the rehabilitation
20 priority index of the Secretary, as in effect on
21 the date of enactment of this Act;

22 (F) the potential economic benefits of the
23 expenditures on job creation and general eco-
24 nomic development in the affected tribal com-
25 munities;

1 (G) the ability of the qualifying project to
2 address tribal, regional, and watershed level
3 water supply needs; and

4 (H) such other factors as the Secretary de-
5 termines to be appropriate to prioritize the use
6 of available funds that are, to the fullest extent
7 practicable, consistent with tribal and user rec-
8 ommendations received pursuant to the con-
9 sultation and input process under section 3225.

10 **SEC. 3224. STUDY OF INDIAN IRRIGATION PROGRAM AND**
11 **PROJECT MANAGEMENT.**

12 (a) TRIBAL CONSULTATION AND USER INPUT.—Be-
13 fore beginning to conduct the study required under sub-
14 section (b), the Secretary shall—

15 (1) consult with the Indian tribes that have ju-
16 risdiction over the land on which an irrigation
17 project eligible to receive funding under section 3222
18 is located; and

19 (2) solicit and consider the input, comments,
20 and recommendations of—

21 (A) the landowners served by the irrigation
22 project; and

23 (B) irrigators from adjacent irrigation dis-
24 tricts.

1 (b) STUDY.—Not later than 2 years after the date
2 of enactment of this Act, the Secretary, acting through
3 the Assistant Secretary for Indian Affairs, shall complete
4 a study that evaluates options for improving pro-
5 grammatic and project management and performance of
6 irrigation projects managed and operated in whole or in
7 part by the Bureau of Indian Affairs.

8 (c) REPORT.—On completion of the study under sub-
9 section (b), the Secretary, acting through the Assistant
10 Secretary for Indian Affairs, shall submit to the Com-
11 mittee on Indian Affairs of the Senate and the Committee
12 on Natural Resources of the House of Representatives a
13 report that—

14 (1) describes the results of the study;

15 (2) determines the cost to financially sustain
16 each project;

17 (3) recommends whether management of each
18 project could be improved by transferring manage-
19 ment responsibilities to other Federal agencies or
20 water user groups; and

21 (4) includes recommendations for improving
22 programmatic and project management and per-
23 formance—

24 (A) in each qualifying project area; and

25 (B) for the program as a whole.

1 (d) STATUS REPORT.—Not later than 2 years after
2 the date of enactment of this Act, and not less frequently
3 than every 2 years thereafter (until the end of fiscal year
4 2021), the Secretary, acting through the Assistant Sec-
5 retary for Indian Affairs, shall submit to the Committee
6 on Indian Affairs of the Senate and the Committee on
7 Natural Resources of the House of Representatives a re-
8 port that includes a description of—

9 (1) the progress made toward addressing the
10 deferred maintenance needs of the Indian irrigation
11 projects described in section 3222, including a list of
12 projects funded during the fiscal period covered by
13 the report;

14 (2) the outstanding needs of those projects that
15 have been provided funding to address the deferred
16 maintenance needs pursuant to this part;

17 (3) the remaining needs of any of those
18 projects;

19 (4) how the goals established pursuant to sec-
20 tion 3223 have been met, including—

21 (A) an identification and assessment of
22 any deficiencies or shortfalls in meeting those
23 goals; and

24 (B) a plan to address the deficiencies or
25 shortfalls in meeting those goals; and

1 (5) any other subject matters the Secretary, to
2 the maximum extent practicable consistent with trib-
3 al and user recommendations received pursuant to
4 the consultation and input process under section
5 3225, determines to be appropriate.

6 **SEC. 3225. TRIBAL CONSULTATION AND USER INPUT.**

7 Before expending funds on an Indian irrigation
8 project pursuant to section 3221 and not later than 120
9 days after the date of enactment of this Act, the Secretary
10 shall—

11 (1) consult with the Indian tribe that has juris-
12 diction over the land on which an irrigation project
13 eligible to receive funding under section 3222 is lo-
14 cated; and

15 (2) solicit and consider the input, comments,
16 and recommendations of—

17 (A) the landowners served by the irrigation
18 project; and

19 (B) irrigators from adjacent irrigation dis-
20 tricts.

21 **SEC. 3226. 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 2017 through 2021, each In-
25 dian irrigation project eligible for funding under section

1 3222 that has critical maintenance needs receives part of
2 the funding under section 3221 to address critical mainte-
3 nance needs.

4 (b) PRIORITY.—In allocating amounts under section
5 3221(b), in addition to considering the funding priorities
6 described in section 3223, the Secretary shall give priority
7 to eligible Indian irrigation projects serving more than 1
8 Indian tribe within an Indian reservation and to projects
9 for which funding has not been made available during the
10 10-year period ending on the day before the date of enact-
11 ment of this Act under any other Act of Congress that
12 expressly identifies the Indian irrigation project or the In-
13 dian reservation of the project to address the deferred
14 maintenance, repair, or replacement needs of the Indian
15 irrigation project.

16 (c) CAP ON FUNDING.—

17 (1) IN GENERAL.—Subject to paragraph (2), in
18 allocating amounts under section 3221(b), the Sec-
19 retary shall allocate not more than \$15,000,000 to
20 any individual Indian irrigation project described in
21 section 3222 during any consecutive 3-year period.

22 (2) EXCEPTION.—Notwithstanding the cap de-
23 scribed in paragraph (1), if the full amount under
24 section 3221(b) cannot be fully allocated to eligible
25 Indian irrigation projects because the costs of the

1 remaining activities authorized in section 3221(b) of
2 an irrigation project would exceed the cap described
3 in paragraph (1), the Secretary may allocate the re-
4 maining funds to eligible Indian irrigation projects
5 in accordance with this part.

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

8 (e) APPLICABILITY OF ISDEAA.—The Indian Self-De-
9 termination and Education Assistance Act (25 U.S.C.
10 5301 et seq.) shall apply to activities carried out under
11 this section.

12