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 "Water Infrastructure Improvements for the Nation Act" or the "WIIN Act".
Subtitle B—Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies

SEC. 3201. DEFINITIONS.

In this subtitle:
DEFERRED MAINTENANCE.—The term “deferred maintenance” means any maintenance activity that was delayed to a future date, in lieu of being carried out at the time at which the activity was scheduled to be, or otherwise should have been carried out.

FUND.—The term “Fund” means the Indian Irrigation Fund established by section 3211.

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

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

PART I—INDIAN IRRIGATION FUND

SEC. 3211. ESTABLISHMENT.

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

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

(2) any interest earned on investment of amounts in the Fund under section 3214.
SEC. 3212. DEPOSITS TO FUND.
(a) IN GENERAL.—For each of fiscal years 2017 through 2021, the Secretary of the Treasury shall deposit in the Fund $35,000,000 from the general fund of the Treasury.
(b) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under subsection (a) shall be used, subject to appropriation, to carry out this subtitle.

SEC. 3213. EXPENDITURES FROM FUND.
(a) IN GENERAL.—Subject to subsection (b), for each of fiscal years 2017 through 2021, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—
(1) $35,000,000; and
(2) the amount of interest accrued in the Fund.
(b) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $35,000,000 for any fiscal year referred to in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

SEC. 3214. INVESTMENTS OF AMOUNTS.
(a) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judg-
ment of the Secretary, required to meet current with-

drawals.

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

SEC. 3215. TRANSFERS OF AMOUNTS.

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

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

SEC. 3216. TERMINATION.

On September 30, 2021—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of
the Fund shall be transferred to the general fund of
the Treasury.
PART II—REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

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

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

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

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

(b) FUNDING.—Consistent with section 3213, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through 2021 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 3222 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be—

(1) subject to reimbursement by the owners of the land served by the Indian irrigation projects; or
(2) assessed as debts or liens against the land served by the Indian irrigation projects.

SEC. 3222. ELIGIBLE PROJECTS.

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

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

(2) are managed and operated by the Bureau of Indian Affairs (including projects managed, operated, or maintained under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

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

SEC. 3223. REQUIREMENTS AND CONDITIONS.

Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this part, the Secretary, in consultation with the Assistant Secretary for Indian Affairs and representatives of affected Indian tribes, shall develop and submit to Congress—
(1) programmatic goals to carry out this part that—

(A) would enable the completion of repairing, replacing, modernizing, or performing maintenance on projects as expeditiously as practicable;

(B) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating a project;

(C) ensure that the results of government-to-government consultation required under section 3225 be addressed; and

(D) would facilitate the construction of new water storage using non-Federal contributions to address tribal, regional, and watershed-level supply needs; and

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

(A) the extent to which deferred maintenance of qualifying irrigation projects poses a threat to public or employee safety or health;
(B) the extent to which deferred maintenance poses a threat to natural or cultural resources;

(C) the extent to which deferred maintenance poses a threat to the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating the project;

(D) the extent to which repairing, replacing, modernizing, or performing maintenance on a facility or structure will—

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

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

(iii) address unmet needs; and

(iv) assist in protecting natural or cultural resources;

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

(F) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;
(G) the ability of the qualifying project to address tribal, regional, and watershed level water supply needs; and

(H) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under section 3225.

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

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

(1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under section 3222 is located; and

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

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

(B) irrigators from adjacent irrigation districts.
(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall complete a study that evaluates options for improving programmatic and project management and performance of irrigation projects managed and operated in whole or in part by the Bureau of Indian Affairs.

(c) REPORT.—On completion of the study under subsection (b), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study;

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

(3) recommends whether management of each project could be improved by transferring management responsibilities to other Federal agencies or water user groups; and

(4) includes recommendations for improving programmatic and project management and performance—

(A) in each qualifying project area; and

(B) for the program as a whole.
(d) **STATUS REPORT.**—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter (until the end of fiscal year 2021), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

1. the progress made toward addressing the deferred maintenance needs of the Indian irrigation projects described in section 3222, including a list of projects funded during the fiscal period covered by the report;
2. the outstanding needs of those projects that have been provided funding to address the deferred maintenance needs pursuant to this part;
3. the remaining needs of any of those projects;
4. how the goals established pursuant to section 3223 have been met, including—
   (A) an identification and assessment of any deficiencies or shortfalls in meeting those goals; and
   (B) a plan to address the deficiencies or shortfalls in meeting those goals; and
(5) any other subject matters the Secretary, to
the maximum extent practicable consistent with trib-
al and user recommendations received pursuant to
the consultation and input process under section
3225, determines to be appropriate.

SEC. 3225. TRIBAL CONSULTATION AND USER INPUT.

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

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

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

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

(B) irrigators from adjacent irrigation dis-
tricts.

SEC. 3226. ALLOCATION AMONG PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), to the
maximum extent practicable, the Secretary shall ensure
that, for each of fiscal years 2017 through 2021, each In-
dian irrigation project eligible for funding under section
that has critical maintenance needs receives part of the funding under section 3221 to address critical maintenance needs.

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

(e) CAP ON FUNDING.—

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

(2) EXCEPTION.—Notwithstanding the cap described in paragraph (1), if the full amount under section 3221(b) cannot be fully allocated to eligible Indian irrigation projects because the costs of the
remaining activities authorized in section 3221(b) of
an irrigation project would exceed the cap described
in paragraph (1), the Secretary may allocate the re-
maining funds to eligible Indian irrigation projects
in accordance with this part.

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

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