

110TH CONGRESS  
2D SESSION

# S. 3128

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2008

Referred to the Committee on Natural Resources

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## AN ACT

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 availability of appropria-  
21 tions and the condition that the Tribe and the Secretary  
22 have executed a cooperative agreement under section 4(a),  
23 not later than 90 days after the date on which amounts  
24 are made available to carry out this section and the coop-  
25 erative agreement has been executed, the Secretary shall  
26 provide to the Tribe a loan in an amount equal to

1 \$9,800,000, adjusted, as appropriate, based on ordinary  
2 fluctuations in engineering cost indices applicable to the  
3 Miner Flat Project during the period beginning on Octo-  
4 ber 1, 2007, and ending on the date on which the loan  
5 is provided, as determined by the Secretary, to carry out  
6 planning, engineering, and design of the Miner Flat  
7 Project in accordance with section 4.

8 (b) TERMS AND CONDITIONS OF LOAN.—The loan  
9 provided under subsection (a) shall—

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

11 (2) be repaid over a term of 25 years, beginning  
12 on January 1, 2013.

13 (c) ADMINISTRATION.—Subject to section 4, the Sec-  
14 retary shall administer the planning, engineering, and de-  
15 sign of the Miner Flat Project.

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

17 (a) COOPERATIVE AGREEMENT.—

18 (1) IN GENERAL.—Not later than 90 days after  
19 the date of enactment of this Act, the Secretary  
20 shall offer to enter into a cooperative agreement  
21 with the Tribe for the planning, engineering, and de-  
22 sign of the Miner Flat Project in accordance with  
23 this Act.

24 (2) MANDATORY PROVISIONS.—A cooperative  
25 agreement under paragraph (1) shall—

1 (A) specify, in a manner that is acceptable  
2 to the Secretary and the Tribe, the rights, re-  
3 sponsibilities, and liabilities of each party to the  
4 agreement; and

5 (B) require that the planning, engineering,  
6 design, and construction of the Miner Flat  
7 Project be in accordance with all applicable  
8 Federal environmental laws.

9 (b) **APPLICABILITY OF INDIAN SELF-DETERMINA-**  
10 **TION AND EDUCATION ASSISTANCE ACT.**—Each activity  
11 for the planning, engineering, or design of the Miner Flat  
12 Project shall be subject to the requirements of the Indian  
13 Self-Determination and Education Assistance Act (25  
14 U.S.C. 450 et seq.).

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums  
17 as are necessary to carry out this Act.

Passed the Senate September 25 (legislative day,  
September 17), 2008.

Attest:

NANCY ERICKSON,  
*Secretary.*