

Public Law 110–390
110th Congress

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.

Oct. 10, 2008
[S. 3128]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

White Mountain
Apache Tribe
Rural Water
System Loan
Authorization
Act.

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

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

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

(c) **TRIBE.**—The term “Tribe” means the White Mountain Apache Tribe, a federally recognized Indian tribe organized pursuant to section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476 et seq.).

SEC. 3. MINER FLAT PROJECT LOAN.

(a) **LOAN.**—Subject to the availability of appropriations and the condition that the Tribe and the Secretary have executed a cooperative agreement under section 4(a), not later than 90 days after the date on which amounts are made available to carry out this section and the cooperative agreement has been executed, the Secretary shall provide to the Tribe a loan in an amount equal to \$9,800,000, adjusted, as appropriate, based on ordinary fluctuations in engineering cost indices applicable to the Miner Flat Project during the period beginning on October 1, 2007, and ending on the date on which the loan is provided, as determined by the Secretary, to carry out planning, engineering, and design of the Miner Flat Project in accordance with section 4.

Deadline.

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

- (1) be at a rate of interest of 0 percent; and
- (2) be repaid over a term of 25 years, beginning on January 1, 2013.

(c) ADMINISTRATION.—Subject to section 4, the Secretary shall administer the planning, engineering, and design of the Miner Flat Project.

SEC. 4. PLANNING, ENGINEERING, AND DESIGN.

(a) COOPERATIVE AGREEMENT.—

Deadline.

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

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

(A) specify, in a manner that is acceptable to the Secretary and the Tribe, the rights, responsibilities, and liabilities of each party to the agreement; and

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

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

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

Approved October 10, 2008.

LEGISLATIVE HISTORY—S. 3128:

SENATE REPORTS: No. 110-502 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 154 (2008):

Sept. 25, considered and passed Senate.

Sept. 29, considered and passed House.