

S 438

IRRIGATE Act

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: Feb 10, 2015

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 443.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 443. (Apr 27, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/438>

Sponsor

Name: Sen. Barrasso, John [R-WY]

Party: Republican • **State:** WY • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Daines, Steve [R-MT]	R · MT		Feb 10, 2015
Sen. Enzi, Michael B. [R-WY]	R · WY		Feb 10, 2015
Sen. Hatch, Orrin G. [R-UT]	R · UT		Feb 10, 2015
Sen. Tester, Jon [D-MT]	D · MT		Feb 10, 2015
Sen. Bennet, Michael F. [D-CO]	D · CO		Feb 11, 2015

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Apr 27, 2016

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
114 S 2902	Related bill	Sep 15, 2016: Placed on Senate Legislative Calendar under General Orders. Calendar No. 631.

Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies Act or the IRRIGATE Act

TITLE I--INDIAN IRRIGATION FUND

(Sec. 101) This bill establishes the Indian Irrigation Fund (Fund), from which the Department of the Interior may make expenditures to carry out this Act.

(Sec. 102) The Department of the Treasury may deposit into such Fund for each of FY2016-FY2037 specified amounts of revenues that would otherwise be deposited in the reclamation fund. Interior may expend such amounts as provided in advance in appropriations Acts. Treasury shall invest any portion of the Fund not required to meet current withdrawals.

(Sec. 106) The Fund shall terminate on September 30, 2037, and any unexpended and unobligated balance shall be transferred to the reclamation fund.

TITLE II--REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

(Sec. 201) Interior shall establish a program to address the deferred maintenance needs of Indian irrigation projects that: (1) create risks to public or employee safety or to natural or cultural resources, and (2) unduly impede the management and efficiency of the Indian irrigation program.

Interior shall use or transfer to the Bureau of Indian Affairs (BIA) specified amounts in the Fund for each of FY2016-FY2037 to carry out maintenance, repair, and replacement activities for Indian irrigation projects in the western United States that are owned by the federal government and managed and operated by BIA and that have deferred maintenance documented by the BIA, subject to the condition that the funds expended under this title 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. 203) As a condition of the expenditure of such amounts, Interior must submit to Congress programmatic goals to carry out this Act that: (1) would enable the completion of repairing, replacing, improving, or performing maintenance on projects as expeditiously as possible; (2) facilitate or improve BIA's ability to carry out its mission in operating a project; and (3) ensure that the results of government-to-government consultation with the Indian tribe that has jurisdiction over the land on which an eligible project is located are addressed. Interior must also submit funding prioritization criteria to serve as a methodology for distributing funds under this Act that takes into account:

- the extent to which deferred project maintenance threatens public or employee safety or health, natural or cultural resources, or BIA's ability to operate the project;
- the methodology of the rehabilitation priority index;
- the potential economic benefits of expenditures on job creation and general economic development in the affected tribal communities; and
- the ability of the qualifying project to address tribal, regional, and watershed level water supply needs.

(Sec. 204) Interior, within two years of this Act's enactment, shall study and report to Congress on options for improving programmatic and project management and performance of irrigation projects managed and operated by BIA.

Before conducting such study or expending funds on an Indian irrigation project under this bill, Interior shall: (1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under

this bill is located; and (2) solicit and consider the input, comments, and recommendations of the landowners served by the project.

Interior is required to submit report to Congress every two years on: (1) the progress made toward addressing the deferred maintenance needs of the identified Indian irrigation projects, (2) the outstanding needs of projects that have been provided funding under this bill, and (3) how the goals of this title have been met.

(Sec. 206) Interior shall ensure that, for each of FY2016-FY2037, each eligible Indian irrigation project that has critical maintenance needs receives funding to address those needs.

In allocating funding under this bill, Interior: (1) shall give priority to projects serving more than one Indian tribe within an Indian reservation and to projects for which funding has not been made available during the previous 10 years under any other Act of Congress that expressly addresses the deferred maintenance, repair, or replacement needs of such project; and (2) shall not provide more than a specified amount to any individual project during any consecutive 3-year period.

Actions Timeline

- **Apr 27, 2016:** Committee on Indian Affairs. Reported by Senator Barrasso with an amendment in the nature of a substitute. With written report No. 114-245.
- **Apr 27, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 443.
- **Mar 18, 2015:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 4, 2015:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 114-14.
- **Feb 10, 2015:** Introduced in Senate
- **Feb 10, 2015:** Read twice and referred to the Committee on Indian Affairs. (Sponsor introductory remarks on measure: CR S924-925)