

Comparative Print: Changes in Existing Law for Bill number:

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Summary

- (1) 2 amendments.
- (2) 0 automated notifications.

Current Law(s) being amended

[1. Omnibus Public Land Management Act of 2009, Subtitle C](#)

Comparative Print: Changes in Existing Law

1. Omnibus Public Land Management Act of 2009, Subtitle C

SUBTITLE C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

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Sec. 10807. DEVELOPMENT AND MAINTENANCE FUNDS

(a) **Definition of Funds.**— In this section, the term “Funds” means—

- (1) the Development Fund; and
- (2) the Maintenance Fund.

(b) **Development fund.**—

(1) **Establishment.**— There is established in the Treasury of the United States a fund to be known as the “Shoshone-Paiute Tribes Water Rights Development Fund”.

(2) **Use of funds.**—

(A) **Priority use of funds for rehabilitation.**— The Tribes shall use amounts in the Development Fund to—

- (i) rehabilitate the Duck Valley Indian Irrigation Project; or
- (ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) **Other uses of funds.**— Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

- (i) To expand the Duck Valley Indian Irrigation Project.
- (ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.
- (iii) For purposes of cultural preservation.
- (iv) To restore or improve fish or wildlife habitat.
- (v) For fish or wildlife production, water resource development, or agricultural development.
- (vi) For water resource planning and development.
- (vii) To pay the costs of—
 - (I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;
 - (II) other appropriate water-related projects and other related economic development projects;
 - (III) the development of a water code; and
 - (IV) other costs of implementing the Agreement.

(3) **Authorization of Appropriations.**—

(A) *IN GENERAL.*— *There is*

~~There is~~ authorized to be appropriated to the Secretary for deposit in the Development Fund \$9,000,000 for each of fiscal years 2010 through 2014.

(B) ADJUSTED INTEREST PAYMENTS.— There is authorized to be appropriated to the Secretary for deposit into the Development Fund \$5,124,902.12.

(c) Maintenance fund.—

(1) Establishment.— There is established in the Treasury of the United States a fund to be known as the “Shoshone-Paiute Tribes Operation and Maintenance Fund”.

(2) Use of funds.— The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) Authorization of Appropriations.— There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund \$3,000,000 for each of fiscal years 2010 through 2014.

(d) Availability of Amounts From Funds.— Amounts made available under subsections (b) (3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) Administration of Funds.— Upon completion of the actions described in section 10808(d), the Secretary, in accordance with 123 STAT. 1410 the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) Expenditures and Withdrawal.—

(1) Tribal management plan.—

(A) In general.— The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) Requirements.— In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) Enforcement.— The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) Liability.— If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) Expenditure plan.—

(A) In general.— The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) Description.— The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) Approval.— On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) Annual report.— For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) Funding agreement.— Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) No per capita payments.— No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis. 123 STAT. 1411

Summary

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