

(4) TRIBAL COUNCIL.—The term “Tribal Council” means the Southern Ute Indian Tribal Council.

(5) TRIBE.—The term “Tribe” means the Southern Ute Indian Tribe.

**SEC. 4. STUDY OF IRRIGATION INFRASTRUCTURE OF PROJECT.**

(a) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, in consultation with the Tribe, shall—

(A) conduct a study of the irrigation infrastructure of the Project; and

(B) based on the results of the study, develop a list of activities (including a cost estimate for each activity) that are recommended to be implemented during the 10-year period beginning on the date of completion of the study to repair, rehabilitate, or reconstruct that irrigation infrastructure.

(2) FACTORS FOR CONSIDERATION.—

(A) IN GENERAL.—In developing the list under paragraph (1)(B), the Secretary shall give priority to activities based on—

(i) a review of the priority factors described in subparagraph (B) with respect to the activity;

(ii) recommendations of the Tribe, if any; and

(iii) a consideration of the projected benefits of each activity on completion of the Project.

(B) PRIORITY FACTORS.—The priority factors referred to in subparagraph (A)(i) are—

(i) any threat to the health and safety of—

(I) a member of the Tribe;

(II) an employee of the irrigation operations and maintenance program of the Bureau of Indian Affairs; or

(III) the general public;

(ii) the extent of disrepair of the irrigation infrastructure of the Project and the effect of the disrepair on the ability of users of the Project to irrigate agricultural land using that irrigation infrastructure;

(iii) whether, and the extent to which, the repair, rehabilitation, or reconstruction of the irrigation infrastructure of the Project would provide an opportunity to conserve water;

(iv)(I) the economic and cultural impacts the irrigation infrastructure of the Project that is in disrepair has on the Tribe; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of that irrigation infrastructure would have on the Tribe;

(v) the opportunity to address water supply or environmental conflicts if the irrigation infrastructure of the Project is repaired, rehabilitated, or reconstructed; and

(vi) the overall benefits of the activity to efficient water operations on the land of the Tribe.

(3) CONSULTATION.—In carrying out the study under this subsection, the Secretary shall consult with the Assistant Secretary for Indian Affairs and other relevant Federal and local officials to evaluate the extent to which programs under the jurisdiction of each Federal and local agency may be used to develop—

(A) the list of activities under paragraph (1)(B); or

(B) the report under subsection (b).

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Tribe a report that includes—

(A) the list of activities recommended for implementation under subsection (a)(1)(B); and

(B) any findings of the Secretary with respect to—

(i) the study under subsection (a);

(ii) consideration of the factors described in subsection (a)(2); and

(iii) any consultation required under subsection (a)(3).

(2) BIENNIAL REVIEW.—Not later than 2 years after the date on which the Secretary submits the report under paragraph (1) and every 2 years thereafter, the Secretary, in consultation with the Tribe, shall—

(A) review the report; and

(B) update the list of activities under subsection (a)(1)(B) in accordance with each factor described in subsection (a)(2), as the Secretary determines to be appropriate.

**SEC. 5. IRRIGATION INFRASTRUCTURE GRANTS AND AGREEMENTS.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary may provide grants to, and enter into cooperative agreements with, the Tribe to plan, design, construct, or otherwise implement any activity to repair, rehabilitate, reconstruct, or replace irrigation infrastructure of the Project, if the activity is recommended for implementation on the list under section 4(a)(1)(B).

(b) LIMITATION.—Assistance provided under subsection (a) shall not be used for any on-farm improvement.

(c) CONSULTATION AND COORDINATION.—In providing assistance under subsection (a), the Secretary shall—

(1) consult with, and obtain the approval of, the Tribe;

(2) consult with the Assistant Secretary for Indian Affairs; and

(3) as appropriate, coordinate the activity with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(d) COST SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the total cost of carrying out an activity using assistance under subsection (a) shall be not more than 75 percent.

(2) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under paragraph (1) on request of the Tribe.

**SEC. 6. EFFECT OF ACT.**

(a) WATER RIGHTS OF TRIBE.—Nothing in this Act (including the implementation of any activity carried out in accordance with this Act) affects any right of the Tribe to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(b) STATE WATER LAW.—Nothing in this Act preempts or affects—

(1) any provision of water law of the State; or

(2) any interstate compact governing water.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

(a) STUDY.—There is authorized to be appropriated to carry out the study under section 4 \$4,000,000.

(b) IRRIGATION INFRASTRUCTURE GRANTS AND AGREEMENTS.—There is authorized to be appropriated to carry out section 5 \$10,000,000 for each of fiscal years 2010 through 2015.

SUBMITTED RESOLUTIONS

**SENATE CONCURRENT RESOLUTION 27—DIRECTING THE ARCHITECT OF THE CAPITOL TO ENGRAVE THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO OF “IN GOD WE TRUST” IN THE CAPITOL VISITOR CENTER**

Mr. DEMINT (for himself, Mr. BARRASSO, Mr. BROWNBACK, Mr. BUNNING, Mr. BYRD, Mr. CRAPO, Mr. ENZI, Mr. INHOFE, Mr. THUNE, and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 27

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. ENGRAVING OF PLEDGE OF ALLEGIANCE TO THE FLAG AND NATIONAL MOTTO IN CAPITOL VISITOR CENTER.**

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of “In God we trust” in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

**SIGNING AUTHORITY**

Mr. REID. Mr. President, I ask unanimous consent that the majority leader be authorized to sign duly enrolled bills or joint resolutions from Monday, June 15 to Wednesday, June 18.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**ORDERS FOR TUESDAY, JUNE 16, 2009**

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, June 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with Senators permitted to speak for up to 10 minutes each; finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.