

Calendar No. 662

118TH CONGRESS
2D SESSION

S. 4442

[Report No. 118–260]

To amend the Crow Tribe Water Rights Settlement Act of 2010 to make improvements to that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2024

Mr. TESTER (for himself and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

DECEMBER 4, 2024

Reported by Mr. SCHATZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Crow Tribe Water Rights Settlement Act of 2010 to make improvements to that Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crow Tribe Water Rights Settlement Amendments Act of 2024”.

1 **SEC. 2. CROW TRIBE WATER RIGHTS SETTLEMENT.**

2 (a) **DEFINITIONS.**—Section 403 of the Crow Tribe
3 Water Rights Settlement Act of 2010 (Public Law 111–
4 291; 124 Stat. 3097) is amended—

5 (1) by striking paragraph (11) and inserting
6 the following:

7 “(11) **MR&I PROJECT.**—The term ‘MR&I
8 Project’ means an activity described in clauses (i)
9 through (iii) of section 411(e)(3)(F).”; and

10 (2) in paragraph (12)—

11 (A) in the paragraph heading, by striking
12 “**SYSTEM**” and inserting “**PROJECTS**”, and

13 (B) in subparagraphs (A) through (C), by
14 striking “**System**” each place it appears and in-
15 serting “**Projects**”.

16 (b) **REPEAL OF MR&I SYSTEM.**—

17 (1) **IN GENERAL.**—Section 406 of the Crow
18 Tribe Water Rights Settlement Act of 2010 (Public
19 Law 111–291; 124 Stat. 3102) is repealed.

20 (2) **CLERICAL AMENDMENT.**—The table of con-
21 tents for the Claims Resolution Act of 2010 (Public
22 Law 111–291; 124 Stat. 3064) is amended by strik-
23 ing the item relating to section 406.

24 (c) **CROW SETTLEMENT FUND.**—Section 411 of the
25 Crow Tribe Water Rights Settlement Act of 2010 (Public
26 Law 111–291; 124 Stat. 3113) is amended—

1 (1) in subsection (a), by striking “to be admin-
2 istered by the Secretary” and inserting “to be man-
3 aged, invested, and distributed by the Secretary and
4 to remain available until expended, withdrawn, or re-
5 verted to the general fund of the Treasury, con-
6 sisting of amounts deposited in the Fund under sub-
7 section (b), together with any investment earnings,
8 including interest, earned on those amounts.”;

9 (2) in subsections (b) and (c), by striking “sec-
10 tion 414” each place it appears and inserting “sec-
11 tion 415”;

12 (3) in subsection (e)—

13 (A) in paragraph (3), by striking “Sys-
14 tem” and inserting “Projects”; and

15 (B) by adding at the end the following:

16 “(5) The MR&I Projects Account, to be estab-
17 lished as soon as practicable after the date of enact-
18 ment of the Crow Tribe Water Rights Settlement
19 Amendments Act of 2024, consisting of—

20 “(A) amounts made available pursuant to
21 paragraphs (1) and (2) of section 415(b) that
22 are appropriated after the date of enactment of
23 the Crow Tribe Water Rights Settlement
24 Amendments Act of 2024; and

1 “(B) amounts to be deposited pursuant to
2 section 415(h)(3)(B).”;

3 (4) in subsection (e)—

4 (A) in paragraph (2), by striking subparagraph (C) and inserting the following:

5 “(C) the American Indian Trust Fund
6 Management Reform Act of 1994 (25 U.S.C.
7 4001 et seq.); and

8 (B) in paragraph (3)—

9 (i) in subparagraph (A), by striking
10 “through (E)” and inserting “through
11 (F)”;

12 (ii) in subparagraph (C)(i), by striking
13 “section 412” and inserting “section
14 413”;

15 (iii) in subparagraph (E)—

16 (I) in the subparagraph heading,
17 by striking “SYSTEM” and inserting
18 “PROJECTS”; and

19 (II) by striking “System” each
20 place it appears and inserting
21 “Projects”; and

22 (iv) by adding at the end the fol-
23 lowing:

1 “(F) MR&I PROJECTS ACCOUNT.—Funds
2 from the MR&I Projects Account shall be used
3 for expenditures by the Tribe for—

4 “(i) planning, permitting, designing,
5 engineering, constructing, reconstructing,
6 replacing, rehabilitating, operating, or re-
7 pairing water production, treatment, or de-
8 livery infrastructure, including for domes-
9 tic and municipal use or wastewater infra-
10 structure;

11 “(ii) purchasing on-Reservation land
12 with water rights; and

13 “(iii) complying with applicable envi-
14 ronmental laws.”;

15 (5) in subsection (f)(2), by striking “section
16 414” and inserting “section 415”; and

17 (6) by adding at the end the following:

18 “(i) TITLE TO INFRASTRUCTURE.—Title to, control
19 over, and operation of any project constructed using funds
20 from the MR&I Projects Account shall remain in the
21 Tribe.

22 “(j) OPERATION, MAINTENANCE, AND REPLACE-
23 MENT.—The Federal Government shall have no obligation
24 to pay for the operation, maintenance, or replacement of
25 any MR&I Project.”.

1 (d) CROW CIP IMPLEMENTATION ACCOUNT.—The
2 Crow Tribe Water Rights Settlement Act of 2010 (31
3 U.S.C. 1101 note; Public Law 111–291) is amended—

4 (1) by redesignating sections 412 through 416
5 as sections 413 through 417, respectively; and
6 (2) by inserting after section 411 the following:

7 **“SEC. 412. CROW CIP IMPLEMENTATION ACCOUNT.**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a nontrust, interest-bearing account, to be known as
10 the ‘Crow CIP Implementation Account’, to be managed
11 and distributed by the Secretary.

12 “(b) DEPOSITS.—The Secretary shall deposit in the
13 Crow CIP Implementation Account—

14 “(1) amounts made available pursuant to para-
15 graphs (1) and (2) of section 415(a) that are appro-
16 priated after the date of enactment of the Crow
17 Tribe Water Rights Settlement Amendments Act of
18 2024; and

19 “(2) amounts to be deposited pursuant to sec-
20 tion 415(h)(3)(A).

21 “(c) USES.—Amounts in the Crow CIP Implemen-
22 tation Account shall be used to carry out section 405.

23 “(d) INTEREST.—In addition to the deposits made
24 into the Crow CIP Implementation Account pursuant to
25 subsection (b), any investment earnings, including interest

1 credited to amounts unexpended in the Crow CIP Imple-
2 mentation Account, shall be available for use in accord-
3 ance with subsection (e).".

4 (e) YELLOWTAIL DAM, MONTANA.—Subsection
5 (b)(1) of section 413 of the Crow Tribe Water Rights Set-
6 tlement Act of 2010 (Public Law 111-291; 124 Stat.
7 3116) (as redesignated by subsection (d)(1)) is amended
8 by striking “15 years” and inserting “20 years”.

9 (f) FUNDING.—Section 415 of the Crow Tribe Water
10 Rights Settlement Act of 2010 (Public Law 111-291; 124
11 Stat. 3120) (as redesignated by subsection (d)(1)) is
12 amended—

13 (1) in subsection (e)—

14 (A) in the subsection heading, by striking
15 “SYSTEM” and inserting “PROJECTS”; and

16 (B) by striking “System” and inserting
17 “Projects”;

18 (2) in subsection (h), by adding at the end the
19 following:

20 “(3) JOINT SIGNATURE ACCOUNTS.—The Sec-
21 retary shall take all actions necessary to authorize
22 the withdrawal of funds, including principal and in-
23 terest, held and maintained in joint signature ac-
24 counts in accordance with the following:

1 **“(A) CROW IMPLEMENTATION ACCOUNT.—**

2 In the special joint signature account named
3 ‘CIP Account’ established pursuant to the
4 agreement with the Tribe dated October 19,
5 2011, for the purpose of transferring and de-
6 positing those funds in the Crow CIP Imple-
7 mentation Account established by the Secretary
8 pursuant to section 412(a).

9 **“(B) MR&I PROJECTS ACCOUNT.—**In the
10 special joint signature account named ‘MR&I
11 Account’ established pursuant to the agreement
12 with the Tribe dated September 13, 2012, for
13 the purpose of transferring and depositing those
14 funds in the MR&I Projects Account estab-
15 lished pursuant to section 411(e)(5).”; and
16 (3) by adding at the end the following:

17 **“(j) MR&I PROJECTS ACCOUNT FLUCTUATIONS IN**
18 **COSTS.—**

19 **“(1) INDEXING ADJUSTMENT.—**Amounts depos-
20 ited in the MR&I Projects Account pursuant to sec-
21 tion 411(e)(5)(A) shall be increased or decreased, as
22 appropriate, by such amounts as may be justified by
23 reason of ordinary fluctuations in costs occurring
24 after May 1, 2008, as indicated by the Bureau of

1 Reclamation Construction Cost Index—Composite
2 Trend.

3 “(2) PERIOD OF INDEXING.—The period of in-
4 dexing adjustment under paragraph (1), for any in-
5 crement of funding, shall end on the date on which
6 the amounts are deposited in the MR&I Projects Ac-
7 count.”.

8 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) Section 403(9) of the Crow Tribe Water
10 Rights Settlement Act of 2010 (Public Law 111-
11 291; 124 Stat. 3098) is amended by striking “(25
12 U.S.C. 450b)” and inserting “(25 U.S.C. 5304)”.

13 (2) Section 409(b) of the Crow Tribe Water
14 Rights Settlement Act of 2010 (Public Law 111-
15 291; 124 Stat. 3108) is amended, in each of para-
16 graphs (1) and (2), by striking “section 414” and
17 inserting “section 415”.

18 (3) Section 410(e)(1) of the Crow Tribe Water
19 Rights Settlement Act of 2010 (Public Law 111-
20 291; 124 Stat. 3112) is amended—

21 (A) in subparagraph (B), by striking “sec-
22 tion 414” and inserting “section 415”, and

23 (B) in subparagraph (C), by striking
24 “agreements with the Tribe required by sections

1 405(a) and 406(a)” and inserting “agreement
 2 with the Tribe required by section 405(a)”.
 3 (4) Section 416 of the Crow Tribe Water
 4 Rights Settlement Act of 2010 (31 U.S.C. 1105
 5 note; Public Law 111–291) (as redesignated by sub-
 6 section (d)(1)) is amended, in each of paragraphs
 7 (3) and (4), by striking “section 414” and inserting
 8 “section 415”.

9 (h) CLERICAL AMENDMENT.—The table of contents
 10 for the Claims Resolution Act of 2010 (Public Law 111–
 11 291; 124 Stat. 3064) is amended by striking the items
 12 relating to sections 407 through 416 and inserting the fol-
 13 lowing:

“See. 407. Tribal water rights.”

“See. 408. Storage allocation from Bighorn Lake.”

“See. 409. Satisfaction of claims.”

“See. 410. Waivers and releases of claims.”

“See. 411. Crow Settlement Fund.”

“See. 412. Crow CIP Implementation Account.”

“See. 413. Yellowtail Dam, Montana.”

“See. 414. Miscellaneous provisions.”

“See. 415. Funding.”

“See. 416. Repeal on failure to meet enforceability date.”

“See. 417. Antideficiency.”.

14 SECTION 1. SHORT TITLE.

15 *This Act may be cited as the “Crow Tribe Water
 16 Rights Settlement Amendments Act of 2024”.*

17 SEC. 2. CROW TRIBE WATER RIGHTS SETTLEMENT.

18 (a) DEFINITIONS.—Section 403 of the Crow Tribe
 19 Water Rights Settlement Act of 2010 (Public Law 111–291;
 20 124 Stat. 3097) is amended—

1 (1) by striking paragraph (11) and inserting the
2 following:

3 “(11) MR&I PROJECT.—The term ‘MR&I
4 Project’ means an activity described in clauses (i)
5 through (iii) of section 411(e)(3)(F).”; and

6 (2) in paragraph (12)—

7 (A) in the paragraph heading, by striking
8 “SYSTEM” and inserting “PROJECTS”; and

9 (B) in subparagraphs (A) through (C), by
10 striking “System” each place it appears and in-
11 serting “Projects”.

12 (b) REPEAL OF MR&I SYSTEM.—

13 (1) IN GENERAL.—Section 406 of the Crow Tribe
14 Water Rights Settlement Act of 2010 (Public Law
15 111–291; 124 Stat. 3102) is repealed.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents for the Claims Resolution Act of 2010 (Public
18 Law 111–291; 124 Stat. 3064) is amended by striking
19 the item relating to section 406.

20 (c) CROW SETTLEMENT FUND.—Section 411 of the
21 Crow Tribe Water Rights Settlement Act of 2010 (Public
22 Law 111–291; 124 Stat. 3113) is amended—

23 (1) in subsection (a), by striking “to be adminis-
24 tered by the Secretary” and inserting “to be managed,
25 invested, and distributed by the Secretary and to re-

1 main available until expended, withdrawn, or re-
2 verted to the general fund of the Treasury, consisting
3 of amounts deposited in the Fund under subsection
4 (b), together with any investment earnings, including
5 interest, earned on those amounts.”;

6 (2) in subsections (b) and (c), by striking “sec-
7 tion 414” each place it appears and inserting “sec-
8 tion 415”;

9 (3) in subsection (c)—

10 (A) in paragraph (3), by striking “System”
11 and inserting “Projects”; and

12 (B) by adding at the end the following:

13 “(5) The MR&I Projects Account, to be estab-
14 lished as soon as practicable after the date of enact-
15 ment of the Crow Tribe Water Rights Settlement
16 Amendments Act of 2024, consisting of—

17 “(A) amounts made available pursuant to
18 paragraphs (1) and (2) of section 415(b) that are
19 appropriated after the date of enactment of the
20 Crow Tribe Water Rights Settlement Amend-
21 ments Act of 2024; and

22 “(B) amounts to be deposited pursuant to
23 section 415(h)(2).”;

24 (4) in subsection (e)—

1 (A) in paragraph (2), by striking subparagraph
2 (C) and inserting the following:

3 “(C) the American Indian Trust Fund
4 Management Reform Act of 1994 (25 U.S.C.
5 4001 et seq.).”; and

6 (B) in paragraph (3)—

7 (i) in subparagraph (A), by striking
8 “through (E)” and inserting “through (F)”;

9 (ii) in subparagraph (C)(i), by striking
10 “section 412” and inserting “section
11 413”;

12 (iii) in subparagraph (E)—

13 (I) in the subparagraph heading,
14 by striking “SYSTEM” and inserting
15 “PROJECTS”; and

16 (II) by striking “System” each
17 place it appears and inserting
18 “Projects”; and

19 (iv) by adding at the end the following:

20 “(F) MR&I PROJECTS ACCOUNT.—Funds
21 from the MR&I Projects Account shall be used
22 for expenditures by the Tribe in accordance with
23 the following:

1 “(i) *PRIORITY USE OF FUNDS.*—The
2 Tribe shall use funds from the *MR&I*
3 *Projects Account*—

4 “(I) to plan, permit, design, engi-
5 neer, construct, reconstruct, replace, re-
6 habilitate, operate, or repair water
7 production, treatment, or delivery in-
8 frastructure, including for domestic
9 and municipal use or wastewater in-
10 frastructure; and

11 “(II) to comply with applicable
12 environmental laws for the activities
13 described in subclause (I).

14 “(ii) *OTHER USE OF FUNDS.*—After
15 providing written notice to the Secretary
16 that on-Reservation *MR&I* projects de-
17 scribed in clause (i) are complete, the Tribe
18 may use funds remaining in the *MR&I*
19 *Projects Account* to purchase on-Reservation
20 land with water rights.”;

21 (5) in subsection (f)(2), by striking “section 414”
22 and inserting “section 415”; and

23 (6) by adding at the end the following:

1 “(i) *TITLE TO INFRASTRUCTURE.*—Title to, control
2 over, and operation of any project constructed using funds
3 from the MR&I Projects Account shall remain in the Tribe.

4 “(j) *OPERATION, MAINTENANCE, AND REPLACE-*
5 *MENT.*—The Federal Government shall have no obligation
6 to pay for the operation, maintenance, or replacement of
7 any MR&I Project.”.

8 (d) *CROW CIP IMPLEMENTATION ACCOUNT.*—The
9 Crow Tribe Water Rights Settlement Act of 2010 (31 U.S.C.
10 1101 note; Public Law 111–291) is amended—

11 (1) by redesignating sections 412 through 416 as
12 sections 413 through 417, respectively; and

13 (2) by inserting after section 411 the following:

14 **“SEC. 412. CROW CIP IMPLEMENTATION ACCOUNT.**

15 “(a) *ESTABLISHMENT.*—The Secretary shall establish
16 a nontrust, interest-bearing account, to be known as the
17 ‘Crow CIP Implementation Account’, to be managed and
18 distributed by the Secretary.

19 “(b) *DEPOSITS.*—The Secretary shall deposit in the
20 Crow CIP Implementation Account—

21 “(1) amounts made available pursuant to para-
22 graphs (1) and (2) of section 415(a) that are appro-
23 priated after the date of enactment of the Crow Tribe
24 Water Rights Settlement Amendments Act of 2024;
25 and

1 “(2) amounts to be deposited pursuant to section
2 415(h)(1).

3 “(c) USES.—Amounts in the Crow CIP Implementa-
4 tion Account shall be used to carry out section 405.

5 “(d) INTEREST.—In addition to the deposits made into
6 the Crow CIP Implementation Account pursuant to sub-
7 section (b), any investment earnings, including interest
8 credited to amounts unexpended in the Crow CIP Imple-
9 mentation Account, shall be available for use in accordance
10 with subsection (c).”.

11 (e) YELLOWTAIL DAM, MONTANA.—Subsection (b)(1)
12 of section 413 of the Crow Tribe Water Rights Settlement
13 Act of 2010 (Public Law 111–291; 124 Stat. 3116) (as re-
14 designated by subsection (d)(1)) is amended by striking “15
15 years” and inserting “20 years”.

16 (f) FUNDING.—Section 415 of the Crow Tribe Water
17 Rights Settlement Act of 2010 (Public Law 111–291; 124
18 Stat. 3120) (as redesignated by subsection (d)(1)) is amend-
19 ed—

20 (1) in subsection (e)—

21 (A) in the subsection heading, by striking
22 “SYSTEM” and inserting “PROJECTS”; and

23 (B) by striking “System” and inserting
24 “Projects”;

1 (2) by striking subsection (h) and inserting the
2 following:

3 “(h) JOINT SIGNATURE ACCOUNTS.—The Secretary
4 shall take all actions necessary to authorize the withdrawal
5 of funds, including principal and interest, held and main-
6 tained in joint signature accounts in accordance with the
7 following:

8 “(1) CROW CIP IMPLEMENTATION ACCOUNT.—In
9 the special joint signature account named ‘CIP Ac-
10 count’ established pursuant to the agreement with the
11 Tribe dated October 19, 2011, for the purpose of
12 transferring and depositing those funds in the Crow
13 CIP Implementation Account established under sec-
14 tion 412(a).

15 “(2) MR&I PROJECTS ACCOUNT.—In the special
16 joint signature account named ‘MR&I Account’ estab-
17 lished pursuant to the agreement with the Tribe dated
18 September 13, 2012, for the purpose of transferring
19 and depositing those funds in the MR&I Projects Ac-
20 count established pursuant to section 411(c)(5).”; and

21 (3) by adding at the end the following:

22 “(j) MR&I PROJECTS ACCOUNT FLUCTUATIONS IN
23 COSTS.—

24 “(1) INDEXING ADJUSTMENT.—Amounts depos-
25 ited in the MR&I Projects Account pursuant to sec-

1 *tion 411(c)(5)(A) shall be increased or decreased, as*
2 *appropriate, by such amounts as may be justified by*
3 *reason of ordinary fluctuations in costs occurring*
4 *after May 1, 2008, as indicated by the Bureau of Rec-*
5 *lamation Construction Cost Index–Composite Trend.*

6 “(2) *PERIOD OF INDEXING.—The period of in-*
7 *dexing adjustment under paragraph (1), for any in-*
8 *crement of funding, shall end on the date on which*
9 *the amounts are deposited in the MR&I Projects Ac-*
10 *count.”.*

11 (g) *TECHNICAL AND CONFORMING AMENDMENTS.—*

12 (1) *Section 403(9) of the Crow Tribe Water*
13 *Rights Settlement Act of 2010 (Public Law 111–291;*
14 *124 Stat. 3098) is amended by striking “(25 U.S.C.*
15 *450b)” and inserting “(25 U.S.C. 5304)”.*

16 (2) *Section 409(b) of the Crow Tribe Water*
17 *Rights Settlement Act of 2010 (Public Law 111–291;*
18 *124 Stat. 3108) is amended, in each of paragraphs*
19 *(1) and (2), by striking “section 414” and inserting*
20 *“section 415”.*

21 (3) *Section 410(e)(1) of the Crow Tribe Water*
22 *Rights Settlement Act of 2010 (Public Law 111–291;*
23 *124 Stat. 3112) is amended—*

24 (A) *in subparagraph (B), by striking “sec-*
25 *tion 414” and inserting “section 415”; and*

1 (B) in subparagraph (C), by striking
2 “agreements with the Tribe required by sections
3 405(a) and 406(a)” and inserting “agreement
4 with the Tribe required by section 405(a)”.

5 (4) *Section 416 of the Crow Tribe Water Rights*
6 *Settlement Act of 2010 (31 U.S.C. 1105 note; Public*
7 *Law 111–291) (as redesignated by subsection (d)(1))*
8 *is amended, in each of paragraphs (3) and (4), by*
9 *striking “section 414” and inserting “section 415”.*

10 (h) *CLERICAL AMENDMENT.—The table of contents for*
11 *the Claims Resolution Act of 2010 (Public Law 111–291;*
12 *124 Stat. 3064) is amended by striking the items relating*
13 *to sections 407 through 416 and inserting the following:*

“Sec. 407. Tribal water rights.
“Sec. 408. Storage allocation from Bighorn Lake.
“Sec. 409. Satisfaction of claims.
“Sec. 410. Waivers and releases of claims.
“Sec. 411. Crow Settlement Fund.
“Sec. 412. Crow CIP Implementation Account.
“Sec. 413. Yellowtail Dam, Montana.
“Sec. 414. Miscellaneous provisions.
“Sec. 415. Funding.
“Sec. 416. Repeal on failure to meet enforceability date.
“Sec. 417. Antideficiency.”.

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[Report No. 118-260]

A BILL

To amend the Crow Tribe Water Rights Settlement Act of 2010 to make improvements to that Act, and for other purposes.

DECEMBER 4, 2024

Reported with an amendment