

Calendar No. 637

118TH CONGRESS
2D SESSION

S. 4996

To amend Public Law 89–108 to modify the authorization of appropriations for State and Tribal, municipal, rural, and industrial water supplies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2024

Mr. HOEVEN (for himself, Mr. PADILLA, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, with an amendment

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

A BILL

To amend Public Law 89–108 to modify the authorization of appropriations for State and Tribal, municipal, rural, and industrial water supplies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dakota Water Re-
5 sources Act Amendments of 2024”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR STATE**
 2 **AND TRIBAL, MUNICIPAL, RURAL, AND IN-**
 3 **DUSTRIAL WATER SERVICE.**

4 Section 10 of Public Law 89–108 (79 Stat. 433; 100
 5 Stat. 424; 106 Stat. 4669; 114 Stat. 2763A–291) is
 6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) by redesignating subparagraph (C)
 10 as subparagraph (D); and

11 (ii) by inserting after subparagraph
 12 (B) the following:

13 “(C) OTHER AMOUNTS.—

14 “(i) IN GENERAL.—Subject to clause
 15 (ii), in addition to the amounts made avail-
 16 able under subparagraphs (A) and (B),
 17 there are authorized to be appropriated to
 18 carry out section 7(a)—

19 “(I) \$120,000,000, as indexed, to
 20 complete all phases of the Northwest
 21 Area Water Supply Biota Water
 22 Treatment Plant and Pump Station
 23 Project, as described in the record of
 24 decision dated August 21, 2015;

25 “(II) \$454,000,000, as indexed,
 26 to complete the McClusky Canal and

1 Missouri River North Alternative for
2 the Eastern North Dakota Alternate
3 Water Supply Project, as described in
4 the record of decision issued by the
5 Bureau of Reclamation on January
6 15, 2021;

7 “(III) \$50,000,000, as indexed,
8 for the Southwest Pipeline Project to
9 complete the supplementary raw water
10 intake pump station, main trans-
11 mission line upgrades, strategic hy-
12 draulic improvements, and rural dis-
13 tribution expansion; and

14 “(IV) \$63,000,000, as indexed,
15 for North Dakota rural water districts
16 for water treatment and rural dis-
17 tribution expansion.

18 “(ii) TRANSFERS.—Any amounts
19 made available under any of subclauses (I)
20 through (IV) of clause (i) may be trans-
21 ferred among the projects described in
22 those subclauses, subject to the limitation
23 that the initial amount authorized for any
24 † project described in any of those sub-
25 clauses may not be increased by more than

1 50 percent as a result of any transfers au-
2 thorized under this clause.”; and

3 (B) in paragraph (2)—

4 (i) by redesignating subparagraph (C)
5 as subparagraph (D); and

6 (ii) by inserting after subparagraph
7 (B) the following:

8 “(C) OTHER AMOUNTS.—

9 “(i) IN GENERAL.—In addition to the
10 amounts made available under subpara-
11 graphs (A)(ii) and (B), there is authorized
12 to be appropriated to carry out section
13 7(d) \$743,000,000, as indexed.

14 “(ii) ALLOCATION.—The amount
15 under clause (i) shall be allocated as fol-
16 lows:

17 “(I) Not more than
18 \$118,000,000, as indexed, shall be
19 made available to the Secretary to
20 complete the Spirit Lake Rural Water
21 System within the Fort Totten Indian
22 Reservation.

23 “(II) Not more than
24 \$275,000,000, as indexed, shall be
25 made available to the Secretary to

1 complete the Three Affiliated Tribes
2 Rural Water System within the Fort
3 Berthold Indian Reservation.

4 “(III) Not more than
5 \$240,000,000, as indexed, shall be
6 made available to the Secretary to
7 complete the Standing Rock Rural
8 Water System within the Standing
9 Rock Indian Reservation.

10 “(IV) Not more than
11 \$98,000,000, as indexed, shall be
12 made available to the Secretary to
13 complete the Turtle Mountain Rural
14 Water System within the Turtle
15 Mountain Indian Reservation.

16 “(V) Not more than
17 \$12,000,000, as indexed, shall be
18 made available to the Secretary to
19 complete the Lake Traverse Rural
20 Water System within the Lake Tra-
21 verse Indian Reservation.

22 “(iii) FEASIBILITY STUDIES.—Of the
23 amounts made available under clause (i),
24 the Secretary may use such sums as are
25 necessary to fund feasibility studies, to be

1 completed not later than 2 years after the
2 date of enactment of the Dakota Water
3 Resources Act Amendments of 2024, that
4 identify the features necessary to complete
5 each of the rural water systems described
6 in clause (ii), as determined by the Sec-
7 retary.”;

8 (2) in subsection (e)(2), by striking subpara-
9 graph (B) and inserting the following:

10 “(B) \$75,000,000 to carry out section 11,
11 to remain available until expended.”; and

12 (3) by striking subsection (e) and inserting the
13 following:

14 “(e) INDEXING.—

15 “(1) IN GENERAL.—The \$200,000,000 amount
16 under subsection (a)(1)(B), the \$200,000,000
17 amount under subsection (b)(1)(B), and the funds
18 authorized under subparagraphs (A) and (B) of sub-
19 section (b)(2) shall be indexed as necessary to allow
20 for ordinary fluctuations of construction costs in-
21 curred after the date of enactment of the Dakota
22 Water Resources Act of 2000, as indicated by engi-
23 neering cost indices applicable for the type of con-
24 struction involved.

1 “(2) OTHER AMOUNTS.—The funds authorized
 2 under subsections (b)(1)(C) and (b)(2)(C) shall be
 3 indexed as necessary to allow for ordinary fluctua-
 4 tions of construction costs incurred after the date of
 5 enactment of the Dakota Water Resources Act
 6 Amendments of 2024, as indicated by engineering
 7 cost indices applicable for the type of construction
 8 involved.

9 “(3) OTHER COST CEILINGS.—All other author-
 10 ized cost ceilings under this Act shall remain un-
 11 changed.”.

12 **SEC. 3. NATURAL RESOURCES TRUST.**

13 Section 11(a)(2)(B) of Public Law 89–108 (79 Stat.
 14 433; 100 Stat. 424; 114 Stat. 2763A–292) is amended
 15 by striking “and (b)(1)(B)” and inserting “, (b)(1)(B),
 16 and (b)(1)(C)”.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Dakota Water Resources*
 19 *Act Amendments of 2024”.*

20 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR STATE**
 21 **AND TRIBAL, MUNICIPAL, RURAL, AND INDUS-**
 22 **TRIAL WATER SERVICE.**

23 Section 10 of Public Law 89–108 (79 Stat. 433; 100
 24 Stat. 424; 106 Stat. 4669; 114 Stat. 2763A–291) is amend-
 25 ed—

1 (1) *in subsection (b)—*

2 (A) *in paragraph (1)—*

3 (i) *by redesignating subparagraph (C)*
4 *as subparagraph (D); and*

5 (ii) *by inserting after subparagraph*
6 *(B) the following:*

7 “(C) *OTHER AMOUNTS.—*

8 “(i) *IN GENERAL.—Subject to clauses*
9 *(ii) through (iv), in addition to the*
10 *amounts made available under subpara-*
11 *graphs (A) and (B), there are authorized to*
12 *be appropriated to carry out section 7(a)—*

13 “(I) *\$120,000,000, as indexed, to*
14 *complete all phases of the Northwest*
15 *Area Water Supply Biota Water*
16 *Treatment Plant and Pump Station*
17 *Project, as described in the record of*
18 *decision dated August 21, 2015;*

19 “(II) *\$454,000,000, as indexed, to*
20 *complete the McClusky Canal and Mis-*
21 *souri River North Alternative for the*
22 *Eastern North Dakota Alternate Water*
23 *Supply Project, as described in the*
24 *record of decision issued by the Bureau*
25 *of Reclamation on January 15, 2021;*

1 “(III) \$50,000,000, as indexed, for
2 the Southwest Pipeline Project to com-
3 plete—

4 “(aa) the supplementary raw
5 water intake and pump station
6 described in the environmental as-
7 sessment prepared by the Bureau
8 of Reclamation entitled ‘Finding
9 of No Significant Impact of Envi-
10 ronmental Assessment for South-
11 west Pipeline Project, Oliver, Mer-
12 cer, North Dunn Service Area in
13 Southwest North Dakota’ and
14 dated April 2009;

15 “(bb) the main transmission
16 line upgrades described in the
17 final supplemental environmental
18 assessment prepared by the Bu-
19 reau of Reclamation entitled the
20 ‘Final Supplemental Environ-
21 mental Assessment for Partial
22 Funding of Design and Construc-
23 tion of an Expansion Water
24 Treatment Plant in the City of
25 Dickinson, North Dakota and As-

1 *sociated Water Transmission Fa-*
2 *cilities in Southwest North Da-*
3 *kota' and dated February 2015;*

4 *“(cc) strategic hydraulic im-*
5 *provements; and*

6 *“(dd) rural distribution ex-*
7 *pansion; and*

8 *“(IV) \$63,000,000, as indexed, for*
9 *North Dakota rural water districts for*
10 *water treatment and rural distribution*
11 *expansion, to include the South Cen-*
12 *tral Regional Water District North*
13 *Burleigh Water Treatment Plant Ex-*
14 *pansion and Phase One of the North-*
15 *east North Dakota Long-Term Water*
16 *Supply Project.*

17 *“(ii) TRANSFERS.—Any amounts made*
18 *available under any of subclauses (I)*
19 *through (IV) of clause (i) may be trans-*
20 *ferred among the projects described in those*
21 *subclauses, subject to the limitation that the*
22 *initial amount authorized for any 1 project*
23 *described in any of those subclauses may*
24 *not be increased by more than 50 percent as*

1 *a result of any transfers authorized under*
2 *this clause.*

3 “(iii) *FINAL ENGINEERING REPORTS.—*
4 *Of the amounts made available under sub-*
5 *clauses (III) and (IV) of clause (i), the Sec-*
6 *retary may use such amounts as are nec-*
7 *essary to complete the final engineering re-*
8 *ports, to be completed not later than 2 years*
9 *after the date of enactment of the Dakota*
10 *Water Resources Act Amendments of 2024,*
11 *that determine the scope of, and identify the*
12 *features necessary to complete, the projects*
13 *described in those subclauses, as determined*
14 *by the Secretary.”; and*

15 *(B) in paragraph (2)—*

16 *(i) by redesignating subparagraph (C)*
17 *as subparagraph (D); and*

18 *(ii) by inserting after subparagraph*
19 *(B) the following:*

20 “(C) *OTHER AMOUNTS.—*

21 *“(i) IN GENERAL.—In addition to the*
22 *amounts made available under subpara-*
23 *graphs (A)(ii) and (B), there is authorized*
24 *to be appropriated to carry out section 7(d)*
25 *\$743,000,000, as indexed.*

1 “(i) *ALLOCATION.*—*The amount under*
2 *clause (i) shall be allocated as follows:*

3 “(I) *Not more than \$118,000,000,*
4 *as indexed, shall be made available to*
5 *the Secretary to complete the Spirit*
6 *Lake Rural Water System within the*
7 *Fort Totten Indian Reservation.*

8 “(II) *Not more than*
9 *\$275,000,000, as indexed, shall be*
10 *made available to the Secretary to*
11 *complete the Three Affiliated Tribes*
12 *Rural Water System within the Fort*
13 *Berthold Indian Reservation.*

14 “(III) *Not more than*
15 *\$240,000,000, as indexed, shall be*
16 *made available to the Secretary to*
17 *complete the Standing Rock Rural*
18 *Water System within the Standing*
19 *Rock Indian Reservation.*

20 “(IV) *Not more than \$98,000,000,*
21 *as indexed, shall be made available to*
22 *the Secretary to complete the Turtle*
23 *Mountain Rural Water System within*
24 *the Turtle Mountain Indian Reserva-*
25 *tion.*

1 “(V) Not more than \$12,000,000,
2 as indexed, shall be made available to
3 the Secretary to complete a feasibility
4 study for the construction of a rural
5 water system to meet the drinking
6 water needs of the Lake Traverse Rural
7 Water System within the Lake Tra-
8 verse Indian Reservation.

9 “(iii) FINAL ENGINEERING REPORTS.—
10 Of the amounts made available under clause
11 (i), the Secretary may use such amounts as
12 are necessary to complete final engineering
13 reports, to be completed not later than 2
14 years after the date of enactment of the Da-
15 kota Water Resources Act Amendments of
16 2024, that determine the scope of, and iden-
17 tify the features necessary to complete, each
18 of the rural water systems described in sub-
19 clauses (I) through (IV) of clause (ii), as de-
20 termined by the Secretary.”;

21 (2) in subsection (c)(2), by striking subpara-
22 graph (B) and inserting the following:

23 “(B) \$75,000,000 to carry out section 11, to
24 remain available until expended.”; and

1 (3) *by striking subsection (e) and inserting the*
2 *following:*

3 “(e) *INDEXING.—*

4 “(1) *IN GENERAL.—The \$200,000,000 amount*
5 *under subsection (a)(1)(B), the \$200,000,000 amount*
6 *under subsection (b)(1)(B), and the funds authorized*
7 *under subparagraphs (A) and (B) of subsection (b)(2)*
8 *shall be indexed as necessary to allow for ordinary*
9 *fluctuations of construction costs incurred after the*
10 *date of enactment of the Dakota Water Resources Act*
11 *of 2000, as indicated by engineering cost indices ap-*
12 *plicable for the type of construction involved.*

13 “(2) *OTHER AMOUNTS.—The funds authorized*
14 *under subsections (b)(1)(C) and (b)(2)(C) shall be in-*
15 *dexed as necessary to allow for ordinary fluctuations*
16 *of construction costs incurred after the date of enact-*
17 *ment of the Dakota Water Resources Act Amendments*
18 *of 2024, as indicated by engineering cost indices ap-*
19 *plicable for the type of construction involved.*

20 “(3) *OTHER COST CEILINGS.—All other author-*
21 *ized cost ceilings under this Act shall remain un-*
22 *changed.”.*

23 **SEC. 3. NATURAL RESOURCES TRUST.**

24 *Section 11(a)(2)(B) of Public Law 89–108 (79 Stat.*
25 *433; 100 Stat. 424; 114 Stat. 2763A–292) is amended by*

- 1 *striking “and (b)(1)(B)” and inserting “, (b)(1)(B), and*
- 2 *(b)(1)(C)”.*

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A BILL

To amend Public Law 89-108 to modify the authorization of appropriations for State and Tribal, municipal, rural, and industrial water supplies, and for other purposes.

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