

118TH CONGRESS
2D SESSION

S. 4442

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

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 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 “Crow Tribe Water
5 Rights Settlement Amendments Act of 2024”.

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

7 (a) DEFINITIONS.—Section 403 of the Crow Tribe
8 Water Rights Settlement Act of 2010 (Public Law 111–
9 291; 124 Stat. 3097) is amended—

1 (1) by striking paragraph (11) and inserting
2 the 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
14 Tribe Water Rights Settlement Act of 2010 (Public
15 Law 111–291; 124 Stat. 3102) is repealed.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 strik-
19 ing 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 admin-
24 istered by the Secretary” and inserting “to be man-
25 aged, invested, and distributed by the Secretary and

1 to remain available until expended, withdrawn, or re-
2 verted to the general fund of the Treasury, con-
3 sisting of amounts deposited in the Fund under sub-
4 section (b), together with any investment earnings,
5 including 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 “Sys-
11 tem” 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
19 are appropriated after the date of enactment of
20 the Crow Tribe Water Rights Settlement
21 Amendments Act of 2024; and

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

24 (4) in subsection (e)—

1 (A) in paragraph (2), by striking subpara-
2 graph (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
9 (F)”;

10 (ii) in subparagraph (C)(i), by strik-
11 ing “section 412” and inserting “section
12 413”;

13 (iii) in subparagraph (E)—

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

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

20 (iv) by adding at the end the fol-
21 lowing:

22 “(F) MR&I PROJECTS ACCOUNT.—Funds
23 from the MR&I Projects Account shall be used
24 for expenditures by the Tribe for—

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

8 “(ii) purchasing on-Reservation land
9 with water rights; and

10 “(iii) complying with applicable envi-
11 ronmental laws.”;

12 (5) in subsection (f)(2), by striking “section
13 414” and inserting “section 415”; and

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

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

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

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

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

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

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

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

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

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

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

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

20 “(d) INTEREST.—In addition to the deposits made
21 into the Crow CIP Implementation Account pursuant to
22 subsection (b), any investment earnings, including interest
23 credited to amounts unexpended in the Crow CIP Imple-
24 mentation Account, shall be available for use in accord-
25 ance with subsection (c).”.

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

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

10 (1) in subsection (e)—

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

13 (B) by striking “System” and inserting
 14 “Projects”;

15 (2) in subsection (h), by adding at the end the
 16 following:

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

22 “(A) CROW IMPLEMENTATION ACCOUNT.—
 23 In the special joint signature account named
 24 ‘CIP Account’ established pursuant to the
 25 agreement with the Tribe dated October 19,

1 2011, for the purpose of transferring and de-
2 positing those funds in the Crow CIP Imple-
3 mentation Account established by the Secretary
4 pursuant to section 412(a).

5 “(B) MR&I PROJECTS ACCOUNT.—In the
6 special joint signature account named ‘MR&I
7 Account’ established pursuant to the agreement
8 with the Tribe dated September 13, 2012, for
9 the purpose of transferring and depositing those
10 funds in the MR&I Projects Account estab-
11 lished pursuant to section 411(c)(5).”;

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

13 “(j) MR&I PROJECTS ACCOUNT FLUCTUATIONS IN
14 COSTS.—

15 “(1) INDEXING ADJUSTMENT.—Amounts depos-
16 ited in the MR&I Projects Account pursuant to sec-
17 tion 411(c)(5)(A) shall be increased or decreased, as
18 appropriate, by such amounts as may be justified by
19 reason of ordinary fluctuations in costs occurring
20 after May 1, 2008, as indicated by the Bureau of
21 Reclamation Construction Cost Index–Composite
22 Trend.

23 “(2) PERIOD OF INDEXING.—The period of in-
24 dexing adjustment under paragraph (1), for any in-
25 crement of funding, shall end on the date on which

1 the amounts are deposited in the MR&I Projects Ac-
2 count.”.

3 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) Section 403(9) of the Crow Tribe Water
5 Rights Settlement Act of 2010 (Public Law 111–
6 291; 124 Stat. 3098) is amended by striking “(25
7 U.S.C. 450b)” and inserting “(25 U.S.C. 5304)”.

8 (2) Section 409(b) of the Crow Tribe Water
9 Rights Settlement Act of 2010 (Public Law 111–
10 291; 124 Stat. 3108) is amended, in each of para-
11 graphs (1) and (2), by striking “section 414” and
12 inserting “section 415”.

13 (3) Section 410(e)(1) of the Crow Tribe Water
14 Rights Settlement Act of 2010 (Public Law 111–
15 291; 124 Stat. 3112) is amended—

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

18 (B) in subparagraph (C), by striking
19 “agreements with the Tribe required by sections
20 405(a) and 406(a)” and inserting “agreement
21 with the Tribe required by section 405(a)”.

22 (4) Section 416 of the Crow Tribe Water
23 Rights Settlement Act of 2010 (31 U.S.C. 1105
24 note; Public Law 111–291) (as redesignated by sub-
25 section (d)(1)) is amended, in each of paragraphs

1 (3) and (4), by striking “section 414” and inserting
2 “section 415”.

3 (h) CLERICAL AMENDMENT.—The table of contents
4 for the Claims Resolution Act of 2010 (Public Law 111–
5 291; 124 Stat. 3064) is amended by striking the items
6 relating to sections 407 through 416 and inserting the fol-
7 lowing:

“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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