

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.

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## 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

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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.

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 1 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 (c)(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)”.

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