

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR STATE**

7 **AND TRIBAL, MUNICIPAL, RURAL, AND IN-**

8 **DUSTRIAL WATER SERVICE.**

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

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

12 to be appropriated to carry out section

13 7(a)—

14 “(I) \$120,000,000, as indexed, to

15 complete all phases of the Northwest

16 Area Water Supply Biota Water

17 Treatment Plant and Pump Station

18 Project, as described in the record of

19 decision dated August 21, 2015;

20 “(II) \$454,000,000, as indexed,

21 to complete the McClusky Canal and

22 Missouri River North Alternative for

23 the Eastern North Dakota Alternate

24 Water Supply Project, as described in

25 the record of decision issued by the

1 Bureau of Reclamation on January
2 15, 2021;

3 “(III) \$50,000,000, as indexed,
4 for the Southwest Pipeline Project to
5 complete—

6 “(aa) the supplementary raw
7 water intake and pump station
8 described in the environmental
9 assessment prepared by the Bu-
10 reau of Reclamation entitled
11 ‘Finding of No Significant Im-
12 pact of Environmental Assess-
13 ment for Southwest Pipeline
14 Project, Oliver, Mercer, North
15 Dunn Service Area in Southwest
16 North Dakota’ and dated April
17 2009;

18 “(bb) the main transmission
19 line upgrades described in the
20 final supplemental environmental
21 assessment prepared by the Bu-
22 reau of Reclamation entitled the
23 ‘Final Supplemental Environ-
24 mental Assessment for Partial
25 Funding of Design and Construc-

1 tion of an Expansion Water
2 Treatment Plant in the City of
3 Dickinson, North Dakota and
4 Associated Water Transmission
5 Facilities in Southwest North
6 Dakota’ and dated February
7 2015;

8 “(cc) strategic hydraulic im-
9 provements; and

10 “(dd) rural distribution ex-
11 pansion; and

12 “(IV) \$63,000,000, as indexed,
13 for North Dakota rural water districts
14 for water treatment and rural dis-
15 tribution expansion, to include the
16 South Central Regional Water Dis-
17 trict North Burleigh Water Treatment
18 Plant Expansion and Phase One of
19 the Northeast North Dakota Long-
20 Term Water Supply Project.

21 “(ii) TRANSFERS.—Any amounts
22 made available under any of subclauses (I)
23 through (IV) of clause (i) may be trans-
24 ferred among the projects described in
25 those subclauses, subject to the limitation

1 that the initial amount authorized for any
2 1 project described in any of those sub-
3 clauses may not be increased by more than
4 50 percent as a result of any transfers au-
5 thorized under this clause.

6 “(iii) FINAL ENGINEERING RE-
7 PORTS.—Of the amounts made available
8 under subclauses (III) and (IV) of clause
9 (i), the Secretary may use such amounts as
10 are necessary to complete the final engi-
11 neering reports, to be completed not later
12 than 2 years after the date of enactment
13 of the Dakota Water Resources Act
14 Amendments of 2024, that determine the
15 scope of, and identify the features nec-
16 essary to complete, the projects described
17 in those subclauses, as determined by the
18 Secretary.”; and

19 (B) in paragraph (2)—

20 (i) by redesignating subparagraph (C)
21 as subparagraph (D); and

22 (ii) by inserting after subparagraph
23 (B) the following:

24 “(C) OTHER AMOUNTS.—

1 “(i) IN GENERAL.—In addition to the
2 amounts made available under subpara-
3 graphs (A)(ii) and (B), there is authorized
4 to be appropriated to carry out section
5 7(d) \$743,000,000, as indexed.

6 “(ii) ALLOCATION.—The amount
7 under clause (i) shall be allocated as fol-
8 lows:

9 “(I) Not more than
10 \$118,000,000, as indexed, shall be
11 made available to the Secretary to
12 complete the Spirit Lake Rural Water
13 System within the Fort Totten Indian
14 Reservation.

15 “(II) Not more than
16 \$275,000,000, as indexed, shall be
17 made available to the Secretary to
18 complete the Three Affiliated Tribes
19 Rural Water System within the Fort
20 Berthold Indian Reservation.

21 “(III) Not more than
22 \$240,000,000, as indexed, shall be
23 made available to the Secretary to
24 complete the Standing Rock Rural

1 Water System within the Standing
2 Rock Indian Reservation.

3 “(IV) Not more than
4 \$98,000,000, as indexed, shall be
5 made available to the Secretary to
6 complete the Turtle Mountain Rural
7 Water System within the Turtle
8 Mountain Indian Reservation.

9 “(V) Not more than
10 \$12,000,000, as indexed, shall be
11 made available to the Secretary to
12 complete a feasibility study for the
13 construction of a rural water system
14 to meet the drinking water needs of
15 the Lake Traverse Rural Water Sys-
16 tem within the Lake Traverse Indian
17 Reservation.

18 “(iii) FINAL ENGINEERING RE-
19 PORTS.—Of the amounts made available
20 under clause (i), the Secretary may use
21 such amounts as are necessary to complete
22 final engineering reports, to be completed
23 not later than 2 years after the date of en-
24 actment of the Dakota Water Resources
25 Act Amendments of 2024, that determine

1 the scope of, and identify the features nec-
2 essary to complete, each of the rural water
3 systems described in subclauses (I)
4 through (IV) of clause (ii), as determined
5 by the Secretary.”;

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

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

10 (3) by striking subsection (e) and inserting the
11 following:

12 “(e) INDEXING.—

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

23 “(2) OTHER AMOUNTS.—The funds authorized
24 under subsections (b)(1)(C) and (b)(2)(C) shall be
25 indexed as necessary to allow for ordinary fluctua-

1 tions of construction costs incurred after the date of
2 enactment of the Dakota Water Resources Act
3 Amendments of 2024, as indicated by engineering
4 cost indices applicable for the type of construction
5 involved.

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

9 **SEC. 3. NATURAL RESOURCES TRUST.**

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