

114TH CONGRESS
1ST SESSION

S. 1365

To authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2015

Mr. TESTER (for himself, Mr. DAINES, Mr. FRANKEN, Mr. HEINRICH, Ms. HEITKAMP, Ms. KLOBUCHAR, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Authorized Rural Water Projects Completion Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—RECLAMATION RURAL WATER CONSTRUCTION AND
SETTLEMENT IMPLEMENTATION FUND

- Sec. 101. Establishment.
 Sec. 102. Accounts.
 Sec. 103. Deposits to Fund.
 Sec. 104. Expenditures from Fund.
 Sec. 105. Investments of amounts.
 Sec. 106. Transfers of amounts.
 Sec. 107. Termination.

TITLE II—RURAL WATER PROJECTS

- Sec. 201. Rural water projects.
 Sec. 202. Restrictions.

TITLE III—RECLAMATION INFRASTRUCTURE AND SETTLEMENT
IMPLEMENTATION

- Sec. 301. Reclamation infrastructure and settlement implementation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **FUND.**—The term “Fund” means the Rec-
 4 lamation Rural Water Construction and Settlement
 5 Implementation Fund established by section 101.

6 (2) **INDIAN TRIBE.**—The term “Indian tribe”
 7 has the meaning given the term in section 4 of the
 8 Indian Self-Determination and Education Assistance
 9 Act (25 U.S.C. 450b).

10 (3) **RURAL WATER PROJECT.**—The term “rural
 11 water project” means a project that is designed to
 12 provide domestic, industrial, municipal, or residen-
 13 tial water to a small community or group of small
 14 communities, including Indian tribes and tribal orga-
 15 nizations.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the
3 Commissioner of Reclamation.

4 **TITLE I—RECLAMATION RURAL**
5 **WATER CONSTRUCTION AND**
6 **SETTLEMENT IMPLEMENTA-**
7 **TION FUND**

8 **SEC. 101. ESTABLISHMENT.**

9 There is established in the Treasury of the United
10 States a fund, to be known as the “Reclamation Rural
11 Water Construction and Settlement Implementation
12 Fund”, consisting of—

13 (1) such amounts as are deposited in the Fund
14 under section 103; and

15 (2) any interest earned on investment of
16 amounts in the Fund under section 105.

17 **SEC. 102. ACCOUNTS.**

18 Within the Fund, there are established the following
19 accounts:

20 (1) Rural Water Project Account.

21 (2) Reclamation Infrastructure and Settlement
22 Implementation Account.

23 **SEC. 103. DEPOSITS TO FUND.**

24 (a) IN GENERAL.—For each of fiscal years 2015
25 through 2035, the Secretary of the Treasury shall deposit

1 in the Fund \$115,000,000 of the revenues that would oth-
 2 erwise be deposited for the fiscal year in the reclamation
 3 fund established by the first section of the Act of June
 4 17, 1902 (32 Stat. 388, chapter 1093), of which—

5 (1) \$80,000,000 for each of the fiscal years
 6 shall be deposited in the Rural Water Project Ac-
 7 count established under section 102(1); and

8 (2) \$35,000,000 for each of the fiscal years
 9 shall be deposited in the Reclamation Infrastructure
 10 and Settlement Implementation Account established
 11 under section 102(2).

12 (b) AVAILABILITY OF AMOUNTS.—Amounts depos-
 13 ited in the Fund under subsection (a) shall—

14 (1) be made available in accordance with this
 15 section, without further appropriation; and

16 (2) be in addition to amounts appropriated for
 17 such purposes under any other provision of law.

18 (c) LIMITATION.—Notwithstanding subsections (a)
 19 and (b), no amounts may be deposited in, or made avail-
 20 able from, the Fund under those subsections if the trans-
 21 fer or availability of the amounts would increase the def-
 22 icit.

23 **SEC. 104. EXPENDITURES FROM FUND.**

24 (a) IN GENERAL.—Subject to subsection (b), for each
 25 of fiscal years 2015 through 2035, the Secretary may ex-

1 pend from the Fund, in accordance with this Act, not more
2 than the sum of—

3 (1) \$115,000,000, to be allocated from the
4 amounts in the accounts specified in section 102;
5 and

6 (2) the amount of interest accrued in the Fund
7 within each account for the fiscal year in which the
8 expenditures are made, with the interest accrued
9 within each account used only for expenditures from
10 that account.

11 (b) ADDITIONAL EXPENDITURES.—

12 (1) IN GENERAL.—The Secretary may expend
13 more than \$115,000,000 for any fiscal year referred
14 to in subsection (a) if the additional amounts are
15 available in the Fund as a result of a failure of the
16 Secretary to expend all of the amounts available
17 under subsection (a) in one or more prior fiscal
18 years.

19 (2) RETENTION IN ACCOUNTS.—Any additional
20 amounts referred to in paragraph (1) shall—

21 (A) be retained within the account to
22 which the amounts were designated;

23 (B) accrue interest for the designated ac-
24 count in accordance with this title; and

1 (C) only be expended for the purposes for
2 which expenditures from the designated ac-
3 counts are authorized.

4 **SEC. 105. INVESTMENTS OF AMOUNTS.**

5 (a) IN GENERAL.—The Secretary shall invest such
6 portion of the Fund as is not, in the judgment of the Sec-
7 retary, required to meet current withdrawals.

8 (b) CREDITS TO FUND.—The interest on, and the
9 proceeds from the sale or redemption of, any obligations
10 held in the Fund shall be credited to, and form a part
11 of, the Fund.

12 **SEC. 106. TRANSFERS OF AMOUNTS.**

13 (a) IN GENERAL.—The amounts required to be
14 transferred to the Fund under this title shall be trans-
15 ferred at least monthly from the general fund of the
16 Treasury to the Fund on the basis of estimates made by
17 the Secretary of the Treasury.

18 (b) ADJUSTMENTS.—Proper adjustment shall be
19 made in amounts subsequently transferred to the extent
20 prior estimates are in excess of or less than the amounts
21 required to be transferred.

22 **SEC. 107. TERMINATION.**

23 On September 30, 2035—

24 (1) the Fund shall terminate; and

1 (2) the unexpended and unobligated balance of
2 the Fund shall be transferred to the reclamation
3 fund established by the first section of the Act of
4 June 17, 1902 (32 Stat. 388, chapter 1093).

5 **TITLE II—RURAL WATER**
6 **PROJECTS**

7 **SEC. 201. RURAL WATER PROJECTS.**

8 Subject to section 202, for each of fiscal years 2015
9 through 2035, the Secretary may use not less than
10 \$80,000,000 of the amounts available in the Rural Water
11 Project Account established under section 102(1) to com-
12 plete construction of rural water projects—

13 (1) authorized to be carried out by the Sec-
14 retary on or before the date of enactment of this
15 Act; or

16 (2) for which—

17 (A) pursuant to section 106(e) of the
18 Rural Water Supply Act of 2006 (43 U.S.C.
19 2405(e)), a feasibility study has been submitted
20 to the Secretary by February 27, 2015; and

21 (B) an Act of Congress after the date of
22 enactment of this Act has authorized the con-
23 struction of the project.

1 **SEC. 202. RESTRICTIONS.**

2 (a) NO OPERATION AND MAINTENANCE COSTS.—

3 The Secretary shall not use any amounts from the Fund
4 to pay for operation and maintenance costs of an author-
5 ized rural water project.

6 (b) CONDITIONS.—The Secretary shall not expend
7 any amounts from the Fund to carry out this title until
8 the date on which the Secretary develops—

9 (1) programmatic goals to carry out this title
10 that—

11 (A) would enable the completion of con-
12 struction of the authorized rural water projects
13 as expeditiously as practicable; and

14 (B) reflect—

15 (i) the goals and priorities identified
16 in the laws authorizing the authorized
17 rural water projects; and

18 (ii) the goals of the Reclamation
19 Rural Water Supply Act of 2006 (43
20 U.S.C. 2401 et seq.); and

21 (2) funding prioritization criteria to serve as a
22 methodology for distributing funds under this title
23 that take into account—

24 (A) an evaluation of the urgent and com-
25 pelling need for potable water supplies in the
26 affected rural and tribal communities;

1 (B) the status of the current stages of
2 completion of the authorized rural water
3 project;

4 (C) the financial needs of the affected
5 rural and tribal communities;

6 (D) the potential economic benefits of the
7 expenditures on job creation and general eco-
8 nomic development in the affected rural and
9 tribal communities;

10 (E) the ability of the authorized rural
11 water project to address regional and watershed
12 level water supply needs;

13 (F) the ability of the authorized rural
14 water project—

15 (i) to minimize water and energy con-
16 sumption; and

17 (ii) to encourage the development of
18 renewable energy resources, such as wind,
19 solar, and hydropower elements;

20 (G) the need for the authorized rural water
21 project to address—

22 (i) the needs of Indian tribes and
23 members of Indian tribes; and

24 (ii) other community needs or inter-
25 ests; and

1 (H) such other factors as the Secretary de-
2 termines to be appropriate to prioritize the use
3 of available funds.

4 **TITLE III—RECLAMATION IN-**
5 **FRASTRUCTURE AND SETTLE-**
6 **MENT IMPLEMENTATION**

7 **SEC. 301. RECLAMATION INFRASTRUCTURE AND SETTLE-**
8 **MENT IMPLEMENTATION.**

9 Consistent with section 104, for each of fiscal years
10 2015 through 2035, the Secretary shall use not less than
11 \$35,000,000, plus accrued interest, of the amounts au-
12 thorized to be expended from the Reclamation Infrastruc-
13 ture and Settlement Implementation Account established
14 under section 102(2)—

15 (1) to provide compensation authorized under
16 an Act of Congress to extinguish or otherwise re-
17 solve all monetary claims of an Indian tribe against
18 the United States relating to the continued and past
19 use of the land of the Indian tribe by the United
20 States for the generation of hydropower; or

21 (2) to complete construction, planning, and de-
22 sign of projects and implement provisions authorized
23 under one or more Acts of Congress that—

24 (A) settle or otherwise resolve, in whole or
25 in part, litigation involving the United States

1 and the rights of one or more federally recog-
2 nized Indian tribes to access, use, or manage
3 water resources; or

4 (B) implement agreements approved by
5 Congress pursuant to which one or more feder-
6 ally recognized Indian tribes agree to some limi-
7 tation on the exercise of rights or claims to ac-
8 cess, use, or manage water resources.

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