

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 715

To authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, 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; 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. Transferability between accounts.
Sec. 108. 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.

16 (4) **SECRETARY.**—The term “Secretary” means
17 the Secretary of the Interior, acting through the
18 Commissioner of Reclamation.

1 **TITLE I—RECLAMATION RURAL**
2 **WATER CONSTRUCTION AND**
3 **SETTLEMENT IMPLEMENTA-**
4 **TION FUND**

5 **SEC. 101. ESTABLISHMENT.**

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

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

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

14 **SEC. 102. ACCOUNTS.**

15 Within the Fund, there are established the following
16 accounts:

17 (1) The Rural Water Project Account.

18 (2) The Indian Irrigation Account.

19 (3) The Reclamation Infrastructure and Settle-
20 ment Implementation Account.

21 **SEC. 103. DEPOSITS TO FUND.**

22 (a) IN GENERAL.—For each of fiscal years 2014
23 through 2035, the Secretary of the Treasury shall deposit
24 in the Fund \$150,000,000 of the revenues that would oth-
25 erwise be deposited for the fiscal year in the reclamation

1 fund established by the first section of the Act of June
2 17, 1902 (32 Stat. 388, chapter 1093), of which—

3 (1) \$80,000,000 for each of the fiscal years
4 shall be deposited in the Rural Water Project Ac-
5 count established under section 102(1);

6 (2) \$35,000,000 for each of the fiscal years
7 shall be deposited in the Indian Irrigation Account
8 established under section 102(2); and

9 (3) \$35,000,000 for each of the fiscal years
10 shall be deposited in the Reclamation Infrastructure
11 and Settlement Implementation Account established
12 under section 102(3).

13 (b) AVAILABILITY OF AMOUNTS.—Amounts depos-
14 ited in the Fund under subsection (a) shall be used, sub-
15 ject to appropriation, to carry out this Act.

16 **SEC. 104. EXPENDITURES FROM FUND.**

17 (a) IN GENERAL.—Subject to subsection (b), for each
18 of fiscal years 2014 through 2035, the Secretary may ex-
19 pend from the Fund, in accordance with this Act, not more
20 than the sum of—

21 (1) \$150,000,000, to be allocated from the
22 amounts in the accounts specified in section 102;
23 and

24 (2) the amount of interest accrued in the Fund
25 within each account for the fiscal year in which the

1 expenditures are made, with the interest accrued
2 within each account used only for expenditures from
3 that account.

4 (b) ADDITIONAL EXPENDITURES.—

5 (1) IN GENERAL.—The Secretary may expend
6 more than \$150,000,000 for any fiscal year referred
7 to in subsection (a) if the additional amounts are
8 available in the Fund as a result of a failure of the
9 Secretary to expend all of the amounts available
10 under subsection (a) in 1 or more prior fiscal years.

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

13 (A) be retained within the account to
14 which the amounts were designated;

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

17 (C) only be expended for the purposes for
18 which expenditures from the designated ac-
19 counts are authorized.

20 **SEC. 105. INVESTMENTS OF AMOUNTS.**

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

24 (b) CREDITS TO FUND.—The interest on, and the
25 proceeds from the sale or redemption of, any obligations

1 held in the Fund shall be credited to, and form a part
2 of, the Fund.

3 **SEC. 106. TRANSFERS OF AMOUNTS.**

4 (a) IN GENERAL.—The amounts required to be
5 transferred to the Fund under this title shall be trans-
6 ferred at least monthly from the general fund of the
7 Treasury to the Fund on the basis of estimates made by
8 the Secretary of the Treasury.

9 (b) ADJUSTMENTS.—Proper adjustment shall be
10 made in amounts subsequently transferred to the extent
11 prior estimates are in excess of or less than the amounts
12 required to be transferred.

13 **SEC. 107. TRANSFERABILITY BETWEEN ACCOUNTS.**

14 (a) TRANSFERABILITY OF IRRIGATION FUNDS.—No
15 sooner than fiscal year 2023, if the Secretary determines
16 that there are no further deferred maintenance needs of
17 eligible Indian irrigation projects, the Secretary may ex-
18 pend amounts and any interest accrued in the Indian Irri-
19 gation Account established by section 102(2) on any ex-
20 penditure authorized under section 301 from the Reclama-
21 tion Infrastructure and Settlement Implementation Ac-
22 count established by section 102(3).

23 (b) TRANSFERABILITY OF WATER SETTLEMENT
24 FUNDS.—No sooner than fiscal year 2023, if the Sec-
25 retary determines that there are no further needs of In-

1 dian tribes under section 301, the Secretary may expend
2 amounts and any interest accrued in the Reclamation In-
3 frastructure and Settlement Implementation Account es-
4 tablished by section 102(3) on any expenditure authorized
5 under sections 401 through 406 from the Indian Irriga-
6 tion Account established by section 102(2).

7 **SEC. 108. TERMINATION.**

8 On September 30, 2035—

9 (1) the Fund shall terminate; and

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

14 **TITLE II—RURAL WATER**
15 **PROJECTS**

16 **SEC. 201. RURAL WATER PROJECTS.**

17 Subject to section 202, for each of fiscal years 2014
18 through 2035, the Secretary may use not less than
19 \$80,000,000 of the amounts available in the Rural Water
20 Project Account established under section 102(1) to com-
21 plete construction of rural water projects—

22 (1) authorized to be carried out by the Sec-
23 retary on or before the date of enactment of this
24 Act; or

25 (2) for which—

1 (A) pursuant to section 106(e) of the
2 Rural Water Supply Act of 2006 (43 U.S.C.
3 2405(e)), a feasibility study has been submitted
4 to the Secretary by September 30, 2012; and

5 (B) an Act of Congress after the date of
6 enactment of this Act has authorized the con-
7 struction of the project.

8 **SEC. 202. RESTRICTIONS.**

9 (a) NO OPERATION AND MAINTENANCE COSTS.—
10 The Secretary shall not use any amounts from the Fund
11 to pay for operation and maintenance costs of an author-
12 ized rural water project.

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

16 (1) programmatic goals to carry out this title
17 that—

18 (A) would enable the completion of con-
19 struction of the authorized rural water projects
20 as expeditiously as practicable; and

21 (B) reflect—

22 (i) the goals and priorities identified
23 in the laws authorizing the authorized
24 rural water projects; and

1 (ii) the goals of the Reclamation
2 Rural Water Supply Act of 2006 (43
3 U.S.C. 2401 et seq.); and

4 (2) funding prioritization criteria to serve as a
5 methodology for distributing funds under this title
6 that take into account—

7 (A) an evaluation of the urgent and com-
8 pelling need for potable water supplies in the
9 affected rural and tribal communities;

10 (B) the status of the current stages of
11 completion of the authorized rural water
12 project;

13 (C) the financial needs of the affected
14 rural and tribal communities;

15 (D) the potential economic benefits of the
16 expenditures on job creation and general eco-
17 nomic development in the affected rural and
18 tribal communities;

19 (E) the ability of the authorized rural
20 water project to address regional and watershed
21 level water supply needs;

22 (F) the ability of the authorized rural
23 water project—

24 (i) to minimize water and energy con-
25 sumption; and

1 (ii) to encourage the development of
2 renewable energy resources, such as wind,
3 solar, and hydropower elements;

4 (G) the need for the authorized rural water
5 project to address—

6 (i) the needs of Indian tribes and
7 members of Indian tribes; and

8 (ii) other community needs or inter-
9 ests; and

10 (H) such other factors as the Secretary de-
11 termines to be appropriate to prioritize the use
12 of available funds.

13 **TITLE III—RECLAMATION IN-**
14 **FRASTRUCTURE AND SETTLE-**
15 **MENT IMPLEMENTATION**

16 **SEC. 301. RECLAMATION INFRASTRUCTURE AND SETTLE-**
17 **MENT IMPLEMENTATION.**

18 Consistent with section 104, for each of fiscal years
19 2014 through 2035, the Secretary shall use not less than
20 \$35,000,000, plus accrued interest, of the amounts au-
21 thorized to be expended from the Reclamation Infrastruc-
22 ture and Settlement Implementation Account established
23 under section 102(3)—

24 (1) to provide compensation authorized under
25 an Act of Congress to extinguish or otherwise re-

1 solve all monetary claims of an Indian tribe against
2 the United States relating to the continued and past
3 use of the land of the Indian tribe by the United
4 States for the generation of hydropower; or

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

8 (A) settle or otherwise resolve, in whole or
9 in part, litigation involving the United States
10 and the rights of one or more federally recog-
11 nized Indian tribes to access, use, or manage
12 water resources; or

13 (B) implement agreements approved by
14 Congress pursuant to which one or more feder-
15 ally recognized Indian tribes agree to some limi-
16 tation on the exercise of rights or claims to ac-
17 cess, use, or manage water resources.