

117TH CONGRESS
1ST SESSION

S. 2286

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

JUNE 24, 2021

Mr. TESTER 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 “Western Water, Jobs, and Infrastructure Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—RECLAMATION RURAL WATER PROJECT CONSTRUCTION
FUND

Sec. 101. Definitions.
 Sec. 102. Establishment.
 Sec. 103. Deposits to Fund.
 Sec. 104. Expenditures from Fund.
 Sec. 105. Investments of amounts.

TITLE II—INDIAN WATER RIGHTS SETTLEMENT COMPLETION
FUND

Sec. 201. Indian Water Rights Settlement Completion Fund.

TITLE III—MILK RIVER PROJECT

Sec. 301. Definitions.
 Sec. 302. Milk River Project rehabilitation projects.

1 TITLE I—RECLAMATION RURAL
2 WATER PROJECT CONSTRUC-
3 TION FUND

4 SEC. 101. DEFINITIONS.

5 In this title:

6 (1) AUTHORIZED RURAL WATER PROJECT.—

7 The term “authorized rural water project” means a
8 project—

9 (A) that is designed to provide domestic,
10 industrial, municipal, or residential water to a
11 small community or group of small commu-
12 nities, including Indian Tribes and Tribal orga-
13 nizations; and

14 (B)(i) that is authorized to be carried out
15 by the Secretary on or before the date of enact-
16 ment of this Act; or

17 (ii) for which an Act of Congress after the
18 date of enactment of this Act has authorized
19 the construction of the project.

1 (2) FUND.—The term “Fund” means the Rec-
2 lamation Rural Water Project Construction Fund es-
3 tablished by section 102.

4 (3) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior, acting through the
10 Commissioner of Reclamation.

11 **SEC. 102. ESTABLISHMENT.**

12 There is established in the Treasury of the United
13 States a fund, to be known as the “Reclamation Rural
14 Water Project Construction Fund”, consisting of—

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

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

19 **SEC. 103. DEPOSITS TO FUND.**

20 (a) IN GENERAL.—There is appropriated to the
21 Fund, out of money in the Treasury not otherwise appro-
22 priated, \$200,000,000 for each of fiscal years 2022
23 through 2026, to remain available until September 30,
24 2036.

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

3 (1) be made available in accordance with this
 4 title, without further appropriation; and

5 (2) supplements, and not supplant, amounts ap-
 6 propriated for authorized rural water projects under
 7 any other provision of law.

8 **SEC. 104. EXPENDITURES FROM FUND.**

9 (a) IN GENERAL.—Subject to subsection (b), for each
 10 of fiscal years 2022 through 2026, the Secretary may use
 11 not less than \$200,000,000 of amounts available in the
 12 Fund to complete construction of authorized rural water
 13 projects.

14 (b) RESTRICTIONS.—

15 (1) NO OPERATION AND MAINTENANCE
 16 COSTS.—The Secretary shall not use any amounts
 17 from the Fund to pay for operation and mainte-
 18 nance costs of an authorized rural water project au-
 19 thorized under subsection (a).

20 (2) CONDITIONS.—The Secretary shall not ex-
 21 pend any amounts from the Fund to carry out this
 22 section until the date on which the Secretary devel-
 23 ops—

24 (A) programmatic goals to carry out this
 25 section that—

1 (i) would enable the completion of
2 construction of the authorized rural water
3 projects as expeditiously as practicable;
4 and

5 (ii) reflect—

6 (I) the goals and priorities identi-
7 fied in the laws authorizing the au-
8 thorized rural water projects; and

9 (II) the goals of the Reclamation
10 Rural Water Supply Act of 2006 (43
11 U.S.C. 2401 et seq.); and

12 (B) funding prioritization criteria to serve
13 as a methodology for distributing funds under
14 this section that take into account—

15 (i) an evaluation of the urgent and
16 compelling need for potable water supplies
17 in the affected rural and Tribal commu-
18 nities;

19 (ii) the status of the current stages of
20 completion of the authorized rural water
21 project;

22 (iii) the financial needs of the affected
23 rural and Tribal communities;

24 (iv) the potential economic benefits of
25 the expenditures on job creation and gen-

1 eral economic development in the affected
2 rural and Tribal communities;

3 (v) the ability of the authorized rural
4 water project to address regional- and wa-
5 tershed-level water supply needs;

6 (vi) the ability of the authorized rural
7 water project—

8 (I) to minimize water and energy
9 consumption; and

10 (II) to encourage the develop-
11 ment of renewable energy resources,
12 such as wind, solar, and hydropower
13 elements;

14 (vii) the need for the authorized rural
15 water project to address—

16 (I) the needs of Indian Tribes
17 and members of Indian Tribes; and

18 (II) other community needs or
19 interests; and

20 (viii) such other factors as the Sec-
21 retary determines to be appropriate to
22 prioritize the use of available funds.

1 **SEC. 105. INVESTMENTS OF AMOUNTS.**

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

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

9 **TITLE II—INDIAN WATER**
10 **RIGHTS SETTLEMENT COM-**
11 **PLETION FUND**

12 **SEC. 201. INDIAN WATER RIGHTS SETTLEMENT COMPLE-**
13 **TION FUND.**

14 (a) ESTABLISHMENT.—There is established in the
15 Treasury of the United States a fund to be known as the
16 “Indian Water Rights Settlement Completion Fund” (re-
17 ferred to in this section as the “Fund”).

18 (b) DEPOSITS.—

19 (1) IN GENERAL.—The Fund shall consist of
20 such amounts as are appropriated to the Fund
21 under paragraph (2).

22 (2) MANDATORY FUNDING.—On October 1,
23 2021, and on each October 1 thereafter through Oc-
24 tober 1, 2025, out of any funds in the Treasury not
25 otherwise appropriated, the Secretary of the Treas-

1 ury shall deposit in the Fund \$400,000,000, to re-
2 main available until September 30, 2036.

3 (c) USES.—Amounts deposited in the Fund under
4 subsection (b) shall be used by the Secretary of the Inte-
5 rior to implement any Indian water rights settlement
6 agreement approved by Congress, including any Indian
7 water rights settlement agreement approved by Congress
8 after the date of enactment of this Act, that resolves, in
9 whole or in part, litigation involving the United States,
10 if the settlement agreement or implementing legislation re-
11 quires the Bureau of Reclamation or the Bureau of Indian
12 Affairs to provide financial assistance for, or plan, design,
13 and construct—

14 (1) water supply infrastructure; or

15 (2) a project—

16 (A) to rehabilitate a water delivery system
17 to conserve water; or

18 (B) to restore fish and wildlife habitat or
19 otherwise improve environmental conditions as-
20 sociated with or affected by, or located within
21 the same river basin as, a Federal reclamation
22 project that is in existence on the date of enact-
23 ment of this Act.

1 **TITLE III—MILK RIVER PROJECT**

2 **SEC. 301. DEFINITIONS.**

3 In this title:

4 (1) MILK RIVER PROJECT.—

5 (A) IN GENERAL.—The term “Milk River
6 Project” means the Bureau of Reclamation
7 project conditionally approved by the Secretary
8 on March 14, 1903, pursuant to the Act of
9 June 17, 1902 (32 Stat. 388, chapter 1093),
10 commencing at Lake Sherburne Reservoir and
11 providing water to a point approximately 6
12 miles east of Nashua, Montana.

13 (B) INCLUSIONS.—The term “Milk River
14 Project” includes the St. Mary Unit.

15 (2) ST. MARY UNIT.—

16 (A) IN GENERAL.—The term “St. Mary
17 Unit” means the St. Mary Storage Unit of the
18 Milk River Project authorized by Congress on
19 March 25, 1905.

20 (B) INCLUSIONS.—The term “St. Mary
21 Unit” includes—

22 (i) Sherburne Dam and Reservoir;

23 (ii) Swift Current Creek Dike;

24 (iii) Lower St. Mary Lake;

- 1 (iv) St. Mary Canal Diversion Dam;
2 and
3 (v) St. Mary Canal and appur-
4 tenances.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior, acting through the
7 Commissioner of Reclamation.

8 **SEC. 302. MILK RIVER PROJECT REHABILITATION**
9 **PROJECTS.**

10 (a) AUTHORIZATION OF REHABILITATION
11 PROJECTS.—The Secretary shall use amounts made avail-
12 able under subsection (d) to carry out projects to rehabili-
13 tate the Milk River Project, including projects—

14 (1) to rehabilitate or replace aging or damaged
15 infrastructure;

16 (2) to improve the efficiency of the Milk River
17 Project;

18 (3) to protect fish and wildlife; and

19 (4) to protect municipal, agricultural, and Trib-
20 al water supplies.

21 (b) FEDERAL SHARE.—Notwithstanding any other
22 provision of law and subject to subsection (c), the Federal
23 share of the cost of a project carried out under subsection
24 (a) shall be 100 percent.

1 (c) VOLUNTARILY CONTRIBUTIONS.—Notwith-
2 standing subsection (b), a non-Federal partner may volun-
3 tarily contribute to the costs of a project carried out under
4 this section.

5 (d) FUNDING.—In addition to amounts otherwise
6 made available, there is appropriated to the Secretary to
7 carry out this section, out of any amounts in the Treasury
8 not otherwise appropriated, \$200,000,000 for fiscal year
9 2022, to remain available until expended.

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