

Calendar No. 655

119TH CONGRESS
2D SESSION**S. 4040**

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.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2026

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

SEPTEMBER 17, 2026

Reported by Mr. LEE, without amendment

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 2026”.

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; 140
 6 Stat. 74) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) by redesignating subparagraph (D)
 10 as subparagraph (E); and

11 (ii) by inserting after subparagraph
 12 (C) the following:

13 “(D) ADDITIONAL AMOUNTS FOR CERTAIN
 14 PROJECTS.—

15 “(i) IN GENERAL.—Subject to clauses
 16 (ii) through (iv), in addition to the
 17 amounts made available under subpara-
 18 graphs (A), (B), and (C), there are author-
 19 ized to be appropriated to carry out section
 20 7(a)—

21 “(I) \$120,000,000, as indexed, to
 22 complete all phases of the Northwest
 23 Area Water Supply Biota Water
 24 Treatment Plant and Pump Station
 25 Project, as described in the record of
 26 decision dated August 21, 2015;

1 “(II) \$404,000,000, as indexed,
2 to complete the McClusky Canal and
3 Missouri River North Alternative for
4 the Eastern North Dakota Alternate
5 Water Supply Project, as described in
6 the record of decision issued by the
7 Bureau of Reclamation on January
8 15, 2021;

9 “(III) \$50,000,000, as indexed,
10 for the Southwest Pipeline Project to
11 complete—

12 “(aa) the supplementary raw
13 water intake and pump station
14 described in the environmental
15 assessment prepared by the Bu-
16 reau of Reclamation entitled
17 ‘Finding of No Significant Im-
18 pact of Environmental Assess-
19 ment for Southwest Pipeline
20 Project, Oliver, Mercer, North
21 Dunn Service Area in Southwest
22 North Dakota’ and dated April
23 2009;

24 “(bb) the main transmission
25 line upgrades described in the

1 final supplemental environmental
2 assessment prepared by the Bu-
3 reau of Reclamation entitled the
4 ‘Final Supplemental Environ-
5 mental Assessment for Partial
6 Funding of Design and Construc-
7 tion of an Expansion Water
8 Treatment Plant in the City of
9 Dickinson, North Dakota and
10 Associated Water Transmission
11 Facilities in Southwest North
12 Dakota’ and dated February
13 2015;

14 “(cc) strategic hydraulic im-
15 provements; and

16 “(dd) rural distribution ex-
17 pansion; and

18 “(IV) \$63,000,000, as indexed,
19 for North Dakota rural water districts
20 for water treatment and rural dis-
21 tribution expansion, to include the
22 South Central Regional Water Dis-
23 trict North Burleigh Water Treatment
24 Plant Expansion and Phase One of

1 the Northeast North Dakota Long-
2 Term Water Supply Project.

3 “(ii) TRANSFERS.—Any amounts
4 made available under any of subclauses (I)
5 through (IV) of clause (i) may be trans-
6 ferred among the projects described in
7 those subclauses, subject to the limitation
8 that the initial amount authorized for any
9 1 project described in any of those sub-
10 clauses may not be increased by more than
11 50 percent as a result of any transfers au-
12 thorized under this clause.

13 “(iii) FINAL ENGINEERING RE-
14 PORTS.—Of the amounts made available
15 under subclauses (III) and (IV) of clause
16 (i), the Secretary may use such amounts as
17 are necessary to complete the final engi-
18 neering reports, to be completed not later
19 than 2 years after the date of enactment
20 of the Dakota Water Resources Act
21 Amendments of 2026, that determine the
22 scope of, and identify the features nec-
23 essary to complete, the projects described
24 in those subclauses, as determined by the
25 Secretary.”; and

(B) in paragraph (2)—

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

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

“(C) OTHER AMOUNTS.—

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

“(ii) ALLOCATION.—The amount under clause (i) shall be allocated as follows:

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

“(II) Not more than \$275,000,000, as indexed, shall be made available to the Secretary to complete the Three Affiliated Tribes

1 Rural Water System within the Fort
2 Berthold Indian Reservation.

3 “(III) Not more than
4 \$240,000,000, as indexed, shall be
5 made available to the Secretary to
6 complete the Standing Rock Rural
7 Water System within the Standing
8 Rock Indian Reservation.

9 “(IV) Not more than
10 \$98,000,000, as indexed, shall be
11 made available to the Secretary to
12 complete the Turtle Mountain Rural
13 Water System within the Turtle
14 Mountain Indian Reservation.

15 “(V) \$12,000,000, as indexed,
16 shall be made available to the Sec-
17 retary—

18 “(aa) to complete a feasi-
19 bility study for the construction
20 of a municipal, rural, and indus-
21 trial water system to meet the
22 drinking water needs of the Lake
23 Traverse Rural Water System
24 within the Lake Traverse Indian
25 Reservation; and

1 “(bb) after completion of the
2 feasibility study and a determina-
3 tion by the Secretary that the
4 proposed project under item (aa)
5 is technically and financially fea-
6 sible in accordance with the rec-
7 lamation laws, to begin construc-
8 tion of the municipal, rural, and
9 industrial water system identified
10 as the preferred alternative in the
11 feasibility study.

12 “(iii) FINAL ENGINEERING RE-
13 PORTS.—Of the amounts made available
14 under clause (i), the Secretary may use
15 such amounts as are necessary to complete
16 final engineering reports, to be completed
17 not later than 2 years after the date of en-
18 actment of the Dakota Water Resources
19 Act Amendments of 2026, that determine
20 the scope of, and identify the features nec-
21 essary to complete, each of the rural water
22 systems described in subclauses (I)
23 through (IV) of clause (ii), as determined
24 by the Secretary.”;

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

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

5 (3) by striking subsection (e) and inserting the
6 following:

7 “(e) INDEXING.—

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

18 “(2) ADDITIONAL AMOUNTS.—The \$50,000,000
19 amount under subsection (a)(1)(C) shall be indexed
20 as necessary to allow for ordinary fluctuations of
21 construction costs incurred after the date of enact-
22 ment of the Energy and Water Development and
23 Related Agencies Appropriations Act, 2026, as indi-
24 cated by engineering cost indices applicable for the
25 type of construction involved.

1 “(3) OTHER AMOUNTS.—The funds authorized
2 under subsections (b)(1)(D) 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 2026, as indicated by engineering
7 cost indices applicable for the type of construction
8 involved.

9 “(4) 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)(D)”.

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