

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 353

To amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Mr. CONRAD (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota.

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       (a) IN GENERAL.—The Water Resources Develop-  
5       ment Act of 1999 (Public Law 106–53; 113 Stat. 269)  
6       is amended by inserting after section 597 the following:

1 **“SEC. 598. DEVILS LAKE, NORTH DAKOTA.**

2       “(a) DEFINITION OF PROJECT.—In this section, the  
3 term ‘project’ means a project to provide a continued safe  
4 and reliable municipal water supply system for Devils  
5 Lake, North Dakota.

6       “(b) LOCAL COOPERATION AGREEMENT.—

7           “(1) IN GENERAL.—Subject to paragraph (2),  
8 the Secretary shall enter into a local cooperation  
9 agreement with the non-Federal interest to provide  
10 assistance in designing and constructing the project.

11           “(2) RESPONSIBILITY FOR DESIGN WORK.—At  
12 the option of the non-Federal interest, the non-Fed-  
13 eral interest may complete the design work for the  
14 project.

15           “(3) NEPA.—The Secretary shall comply with  
16 all applicable requirements under the National Envi-  
17 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
18 seq.) before beginning construction on the project.

19           “(4) REQUIREMENTS.—The local cooperation  
20 agreement entered into under this subsection shall  
21 provide for—

22           “(A) the development by local officials of a  
23 water supply project and related facilities, in-  
24 cluding appropriate engineering plans and spec-  
25 ifications; and

1           “(B) the establishment of such legal and  
2 institutional structures as are necessary to en-  
3 sure the effective long-term operation of the  
4 project by the non-Federal interest.

5           “(5) COST SHARING.—

6           “(A) IN GENERAL.—The local cooperation  
7 agreement shall provide that the Federal share  
8 of the cost of the project—

9                   “(i) shall be 75 percent; and

10                   “(ii) may be in the form of grants or  
11 reimbursements of project costs.

12           “(B) CREDIT FOR DESIGN AND ENGINEER-  
13 ING WORK.—The non-Federal interest shall re-  
14 ceive credit, not to exceed 6 percent of the total  
15 construction costs of the project, for the reason-  
16 able costs of design and engineering work com-  
17 pleted by the non-Federal interest before enter-  
18 ing into a local cooperation agreement with the  
19 Secretary under this subsection for the project.

20           “(C) CREDIT FOR INTEREST.—In case of a  
21 delay in the funding of the Federal share of the  
22 project costs, the non-Federal interest shall re-  
23 ceive credit for reasonable interest incurred in  
24 providing the Federal share of the cost of the  
25 project.

1           “(D) CREDIT FOR LAND, EASEMENTS, AND  
 2           RIGHTS-OF-WAY.—The non-Federal interest  
 3           shall receive credit, not to exceed 25 percent of  
 4           the total cost of the project, for land, ease-  
 5           ments, rights-of-way, and relocations toward  
 6           the non-Federal share of project costs (includ-  
 7           ing all reasonable costs associated with obtain-  
 8           ing permits necessary for the construction, op-  
 9           eration, and maintenance of the project on pub-  
 10          licly owned or controlled land).

11           “(E) OPERATION AND MAINTENANCE.—  
 12          The non-Federal share of operation and mainte-  
 13          nance costs for the project shall be 100 percent.

14          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 15          is authorized to be appropriated to carry out this section  
 16          \$15,000,000, to remain available until expended.”.

17          (b) CONFORMING AMENDMENT.—The table of con-  
 18          tents of the Water Resources Development Act of 1999  
 19          (Public Law 106–53; 113 Stat. 269) is amended by insert-  
 20          ing after the item relating to section 597 the following:

“Sec. 598. Devils Lake, North Dakota.”.

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