

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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 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

1 (B) in paragraph (2)—

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

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

6 “(C) OTHER AMOUNTS.—

7 “(i) IN GENERAL.—In addition to the  
8 amounts made available under subpara-  
9 graphs (A)(ii) and (B), there is authorized  
10 to be appropriated to carry out section  
11 7(d) \$743,000,000, as indexed.

12 “(ii) ALLOCATION.—The amount  
13 under clause (i) shall be allocated as fol-  
14 lows:

15 “(I) Not more than  
16 \$118,000,000, as indexed, shall be  
17 made available to the Secretary to  
18 complete the Spirit Lake Rural Water  
19 System within the Fort Totten Indian  
20 Reservation.

21 “(II) Not more than  
22 \$275,000,000, as indexed, shall be  
23 made available to the Secretary to  
24 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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