

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9785
OFFERED BY MR. WESTERMAN OF ARKANSAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “South Dakota Water Feasibility Studies Act”.

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

Sec. 1. Short title; table of contents.

**TITLE I—WESTERN DAKOTA REGIONAL WATER SYSTEM
FEASIBILITY STUDY ACT**

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Western Dakota Regional Water System Feasibility Study.

**TITLE II—LEWIS AND CLARK REGIONAL WATER SYSTEM
EXPANSION FEASIBILITY STUDY**

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Lewis and Clark Regional Water System Expansion Feasibility
Study.

**TITLE III—DAKOTA MAINSTEM WATER SUPPLY PROJECT
FEASIBILITY STUDY**

Sec. 301. Short title.

Sec. 302. Definitions.

Sec. 303. Dakota mainstem water supply project feasibility study.

1 **TITLE I—WESTERN DAKOTA RE-**
2 **GIONAL WATER SYSTEM FEA-**
3 **SIBILITY STUDY ACT**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Western Dakota Re-
6 gional Water System Feasibility Study Act”.

7 **SEC. 102. DEFINITIONS.**

8 In this title:

9 (1) NON-FEDERAL PROJECT ENTITY.—The
10 term “non-Federal project entity” means the West-
11 ern Dakota Regional Water System, a nonprofit cor-
12 poration.

13 (2) PROPOSED RURAL WATER SUPPLY
14 PROJECT.—The term “proposed rural water supply
15 project” means the proposed project to supply mu-
16 nicipal, rural, and industrial water from the Mis-
17 souri River to the Western Dakota Regional Water
18 System.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 **SEC. 103. WESTERN DAKOTA REGIONAL WATER SYSTEM**
22 **FEASIBILITY STUDY.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Secretary, in coordina-
25 tion with the non-Federal project entity, shall carry

1 out a study to determine the feasibility of the pro-
2 posed rural water supply project.

3 (2) FEASIBILITY REPORT.—After completion of
4 the feasibility study for the proposed rural water
5 supply project under paragraph (1), the Secretary
6 shall—

7 (A) develop a feasibility report that in-
8 cludes a recommendation of the Secretary on—

9 (i) whether the proposed rural water
10 supply project should be authorized for
11 construction; and

12 (ii) the appropriate non-Federal share
13 of construction costs, which shall be at
14 least 25 percent of the total construction
15 costs;

16 (B) submit the report under subparagraph
17 (A) to the Committee on Energy and Natural
18 Resources of the Senate and the Committee on
19 Natural Resources of the House of Representa-
20 tives; and

21 (C) make the report under subparagraph
22 (A) publicly available, along with associated fea-
23 sibility study documents.

24 (3) CONSULTATION AND COOPERATION.—In ad-
25 dition to the non-Federal project entity, the Sec-

1 retary shall consult and cooperate with appropriate
2 Federal, State, Tribal, regional, and local authorities
3 during the conduct of the feasibility study and devel-
4 opment of the feasibility report under this sub-
5 section.

6 (b) COST-SHARING AGREEMENT FOR FEASIBILITY
7 STUDY COSTS.—The Secretary shall enter into a cost-
8 sharing agreement (or an appropriate financial assistance
9 agreement, as determined by the Secretary) with the non-
10 Federal project entity to conduct a study under subsection
11 (a) that complies with the reclamation feasibility stand-
12 ards.

13 (c) FEDERAL SHARE OF FEASIBILITY STUDY
14 COSTS.—The Federal share of the total costs of carrying
15 out the feasibility study under subsection (a)—

16 (1) shall not exceed \$10,000,000; and
17 (2) shall not exceed 50 percent of the cost of
18 the feasibility study.

19 (d) TERMINATION OF AUTHORITY.—The authority
20 provided by this section expires on the date that is 7 years
21 after the date of enactment of this Act.

1 **TITLE II—LEWIS AND CLARK RE-**
2 **GIONAL WATER SYSTEM EX-**
3 **PANSION FEASIBILITY STUDY**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Lewis and Clark Re-
6 gional Water System Expansion Feasibility Study Act”.

7 **SEC. 202. DEFINITIONS.**

8 In this title:

9 (1) NON-FEDERAL PROJECT ENTITY.—The
10 term “non-Federal project entity” means—

11 (A) the Lewis and Clark Regional Water
12 System, Inc.; and

13 (B) any nonprofit successor entity to the
14 corporation described in subparagraph (A).

15 (2) PROPOSED RURAL WATER SUPPLY
16 PROJECT.—The term “proposed rural water supply
17 project” means the proposed project to supply mu-
18 nicipal, rural, and industrial water to expand the ca-
19 pacity and reach of the Lewis and Clark Regional
20 Water System in the States of Iowa, Minnesota, and
21 South Dakota.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

1 **SEC. 203. LEWIS AND CLARK REGIONAL WATER SYSTEM EX-**
2 **PANSION FEASIBILITY STUDY.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Secretary, in coordina-
5 tion with the non-Federal project entity, shall carry
6 out a study to determine the feasibility of the pro-
7 posed rural water supply project.

8 (2) FEASIBILITY REPORT.—After completion of
9 the feasibility study for the proposed rural water
10 supply project under paragraph (1), the Secretary
11 shall—

12 (A) develop a feasibility report that in-
13 cludes a recommendation of the Secretary on—

14 (i) whether the proposed rural water
15 supply project should be authorized for
16 construction; and

17 (ii) the appropriate non-Federal share
18 of construction costs, which shall be at
19 least 25 percent of the total construction
20 costs;

21 (B) submit the report under subparagraph
22 (A) to the Committee on Energy and Natural
23 Resources of the Senate and the Committee on
24 Natural Resources of the House of Representa-
25 tives; and

1 (C) make the report under subparagraph
2 (A) publicly available, along with associated fea-
3 sibility study documents.

4 (3) CONSULTATION AND COOPERATION.—In ad-
5 dition to the non-Federal project entity, the Sec-
6 retary shall consult and cooperate with appropriate
7 Federal, State, Tribal, regional, and local authorities
8 during the conduct of the feasibility study and devel-
9 opment of the feasibility report under this sub-
10 section.

11 (b) COST-SHARING AGREEMENT FOR FEASIBILITY
12 STUDY COSTS.—The Secretary shall enter into a cost-
13 sharing agreement (or an appropriate financial assistance
14 agreement, as determined by the Secretary) with the non-
15 Federal project entity to conduct a study under subsection
16 (a) that complies with the reclamation feasibility stand-
17 ards.

18 (c) FEDERAL SHARE OF FEASIBILITY STUDY
19 COSTS.—The Federal share of the total costs of carrying
20 out the feasibility study under subsection (a)—

21 (1) shall not exceed \$10,000,000; and
22 (2) shall not exceed 50 percent of the cost of
23 the feasibility study.

1 (d) TERMINATION OF AUTHORITY.—The authority
2 provided by this section expires on the date that is 7 years
3 after the date of enactment of this Act.

4 **TITLE III—DAKOTA MAINSTEM**
5 **WATER SUPPLY PROJECT**
6 **FEASIBILITY STUDY**

7 **SEC. 301. SHORT TITLE.**

8 This title may be cited as the “Dakota Mainstem
9 Water Supply Project Feasibility Study Act”.

10 **SEC. 302. DEFINITIONS.**

11 In this title:

12 (1) DAKOTA MAINSTEM REGIONAL WATER SYS-
13 TEM.—The term “Dakota Mainstem Regional Water
14 System” means the Dakota Mainstem Regional
15 Water System, Inc., a nonprofit corporation estab-
16 lished and operated substantially in accordance with
17 the reclamation feasibility standards to serve as a
18 non-Federal project entity for purposes of the coop-
19 erative agreement entered into under section
20 303(a)(1).

21 (2) RECLAMATION FEASIBILITY STANDARDS.—
22 The term “reclamation feasibility standards” means
23 the eligibility criteria and feasibility study require-
24 ments described in part 404 of title 43, Code of
25 Federal Regulations (or successor regulations).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 303. DAKOTA MAINSTEM WATER SUPPLY PROJECT**
4 **FEASIBILITY STUDY.**

5 (a) STUDY.—

6 (1) IN GENERAL.—The Secretary, in consulta-
7 tion with the Dakota Mainstem Regional Water Sys-
8 tem, through a cooperative agreement, may under-
9 take a study to determine the feasibility of con-
10 structing a project to supply municipal, rural, and
11 industrial water to the Dakota Mainstem Regional
12 Water System service area in the States of South
13 Dakota, Iowa, Nebraska, and Minnesota.

14 (2) REQUIREMENT.—The study under para-
15 graph (1) shall comply with the reclamation feasi-
16 bility standards.

17 (b) FEDERAL SHARE OF FEASIBILITY STUDY
18 COSTS.—The Federal share of the total costs of carrying
19 out the feasibility study under subsection (a)—

20 (1) shall not exceed \$10,000,000; and

21 (2) shall not exceed 50 percent of the cost of
22 the feasibility study.

1 (c) TERMINATION OF AUTHORITY.—The authority
2 provided by this section expires on the date that is 7 years
3 after the date of enactment of this Act.

