

108TH CONGRESS
1ST SESSION

S. 1085

To provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2003

Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DASCHLE, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, 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 “Reclamation Rural and
5 Small Community Water Enhancement Act”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

1 (1) FEDERAL RECLAMATION LAWS.—The term
2 “Federal reclamation laws” means the Reclamation
3 Act and Acts amendatory thereof and supplementary
4 thereto;

5 (2) REGIONAL RURAL WATER SUPPLY SYS-
6 TEM.—The term “regional rural water supply sys-
7 tem” means a water supply system that serves mul-
8 tiple towns or communities in a rural area (including
9 Indian reservations) where such towns or commu-
10 nities have a population not exceeding 40,000 per-
11 sons.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 **SEC. 3. GENERAL AUTHORITY.**

15 (a) IN GENERAL.—The Secretary, acting pur-
16 suant to the Federal reclamation laws, is directed to
17 undertake a program to investigate and identify op-
18 portunities to ensure safe and adequate regional
19 rural water supply systems for municipal and indus-
20 trial use in small communities and rural areas
21 through the construction of new regional rural water
22 supply systems and the enhancement of existing
23 rural water supply systems.

24 (b) EXCEPTION.—

1 (1) In conducting the investigations and studies
2 authorized by this Act, the Secretary may include a
3 town or community with a population in excess of
4 40,000 persons if, in the Secretary's discretion, such
5 town or community is considered to be a critical
6 partner in the proposed regional rural water supply
7 system.

8 (2) In conducting a feasibility study of a re-
9 gional rural water supply system that includes a
10 community with a population in excess of 40,000
11 persons, the Secretary may consider a non-federal
12 cost share in excess of the percentage set forth in
13 sections 6(a) and 6(b)(5).

14 (c) LIMITATION.—Such program shall be limited to
15 the States and areas referred to in section 1 of the Rec-
16 lamation Act of 1902 (Act of June 17, 1902, 32 Stat.
17 388), as amended, and Indian reservation lands within the
18 external boundaries of such States and areas.

19 (d) AGREEMENTS.—The Secretary is authorized to
20 enter into such agreements and promulgate such regula-
21 tions as may be necessary to carry out the purposes and
22 provisions of this Act.

23 **SEC. 4. COORDINATION AND PLANNING.**

24 (a) COORDINATION.—

1 (1) CONSULTATION.—In undertaking this pro-
2 gram, the Secretary shall consult and coordinate
3 with the Secretary of Agriculture, the Administrator
4 of the Environmental Protection Agency, and the
5 Director of the Indian Health Service, in order to
6 develop criteria to ensure that the program does not
7 duplicate, but instead complements, activities under-
8 taken pursuant to the authorities administered by
9 such agency heads.

10 (2) REPORT ON AUTHORITIES.—Within one
11 year after the date of enactment of this Act, the
12 Secretary shall submit to the Committee on Energy
13 and Natural Resources of the Senate and the Com-
14 mittee on Resources of the House of Representa-
15 tives, a report setting forth the results of the con-
16 sultation required in paragraph (1) and criteria de-
17 veloped pursuant to such consultation.

18 (b) REPORT AND ACTION ON AUTHORIZED
19 PROJECTS.—

20 (1) Within one year after the date of enactment
21 of this Act, the Secretary shall submit to the Com-
22 mittee on Energy and Natural Resources of the Sen-
23 ate and the Committee on Resources of the House
24 of Representatives a report setting forth—

1 (A) the status of all rural water projects
2 within the jurisdiction of the Secretary author-
3 ized prior to the date of enactment of this Act;
4 and

5 (B) the Secretary's plan, including pro-
6 jected financial and workforce requirements, for
7 the completion of the rural water projects with-
8 in the time frames set forth in the public laws
9 authorizing the projects or the final engineering
10 reports submitted pursuant thereto.

11 (2) The Secretary shall take all necessary steps
12 to complete the projects within the time frames iden-
13 tified in subsection (1)(B).

14 **SEC. 5. APPRAISAL INVESTIGATIONS.**

15 (a) APPRAISAL INVESTIGATIONS.—Based on evidence
16 of local interest and upon the request of a local sponsor,
17 the Secretary may undertake appraisal investigations to
18 identify opportunities for the construction of regional
19 rural water supply systems and the enhancement of exist-
20 ing rural water supply systems for small communities and
21 rural areas. Each such investigation shall include rec-
22 ommendations as to the preparation of a feasibility study
23 of the potential system or system enhancement.

1 (b) CONSIDERATIONS.—Appraisal investigations un-
2 dertaken pursuant to this Act shall consider, among other
3 things—

4 (1) whether an established water supply exists
5 for the proposed regional rural water supply system;

6 (2) the need for the regional rural water supply
7 system or for enhancements to an existing rural
8 water system, including but not limited to, alter-
9 native water supply opportunities and projected de-
10 mand for water supply;

11 (3) environmental considerations relating to the
12 regional rural water supply system or rural water
13 system enhancement;

14 (4) public health and safety considerations re-
15 lating to the regional rural water supply system or
16 rural water system enhancement;

17 (5) Indian trust responsibility considerations re-
18 lating to the regional rural water supply system or
19 rural water system enhancement; and

20 (6) the availability of other Federal authorities
21 or programs to address the water supply needs iden-
22 tified.

23 (c) CONSULTATION AND COOPERATION.—The Sec-
24 retary shall consult and cooperate with appropriate Fed-
25 eral, state, tribal, regional, and local authorities during the

1 conduct of each appraisal investigation conducted pursu-
2 ant to this Act.

3 (d) COSTS NONREIMBURSABLE.—The costs of such
4 appraisal investigations shall be nonreimbursable.

5 (e) PUBLIC AVAILABILITY.—The Secretary shall
6 make available to the public, upon request, the results of
7 each appraisal investigation undertaken pursuant to this
8 Act, and shall promptly publish in the Federal Register
9 a notice of the availability of those results.

10 **SEC. 6. FEASIBILITY STUDIES.**

11 (a) FEASIBILITY STUDIES.—The Secretary is author-
12 ized to participate with appropriate Federal, state, tribal,
13 regional, and local authorities in studies to determine the
14 feasibility of regional rural water supply systems and rural
15 water supply system enhancements where an appraisal in-
16 vestigation so warrants. The Federal share of the costs
17 of such feasibility studies shall not exceed 50 percent of
18 the total, except that the Secretary may increase the Fed-
19 eral share of the costs of such feasibility study if the Sec-
20 retary determines, based upon a demonstration of finan-
21 cial hardship, that the non-Federal participant is unable
22 to contribute at least 50 percent of the costs of such study.
23 The Secretary may accept as part of the non-Federal cost
24 share the contribution of such in-kind services by the non-
25 Federal participant that the Secretary determines will

1 contribute substantially toward the conduct and comple-
2 tion of the study.

3 (b) CONSIDERATIONS.—In addition to the require-
4 ments of other Federal laws, feasibility studies authorized
5 under this Act shall consider, among other things—

6 (1) whether an established water supply exists
7 for the proposed regional rural water supply system;

8 (2) near- and long-term water demand and sup-
9 plies in the study area including any opportunities to
10 treat and utilize impaired water supplies through in-
11 novative and economically viable treatment tech-
12 nologies;

13 (3) public health and safety and environmental
14 quality issues related to the regional rural water
15 supply system or rural water system enhancement;

16 (4) opportunities for water conservation in the
17 study area to reduce water use and water system
18 costs;

19 (5) the construction costs and projected oper-
20 ation and maintenance costs of the proposed re-
21 gional rural water supply system and an assessment
22 of participating communities' ability to pay 20 per-
23 cent to 50 percent of the construction costs and the
24 full share of the system operation and maintenance
25 costs;

1 (6) opportunities for mitigation of fish and
2 wildlife losses incurred as a result of the construc-
3 tion of the regional rural water supply system or
4 rural water system enhancement on an acre-for-acre
5 basis, based on ecological equivalency, concurrent
6 with system construction; and

7 (7) the extent to which assistance for rural
8 water supply is available pursuant to other Federal
9 authorities and the likely effectiveness of efforts to
10 coordinate assistance provided by the Secretary with
11 other available Federal programs and assistance.

12 (c) USE OF OTHER REPORTS.—In conducting a fea-
13 sibility study pursuant to this section, or an appraisal in-
14 vestigation under section 5, the Secretary shall, to the
15 maximum extent practicable, utilize, in whole or in part,
16 any engineering or other relevant report submitted by a
17 state, tribal, regional, or local authority associated with
18 the proposed regional rural water supply system.

19 (d) PUBLIC AVAILABILITY.—The Secretary shall
20 make available to the public, upon request, the results of
21 each feasibility study undertaken pursuant to this Act,
22 and shall promptly publish in the Federal Register a no-
23 tice of the availability of those results.

24 (e) DISCLAIMER.—Nothing contained in this section
25 shall be interpreted as requiring a feasibility study or im-

1 posing any other new requirement for rural water projects
2 or programs that are already authorized.

3 **SEC. 7. AUTHORIZATION.**

4 There are hereby authorized to be appropriated such
5 sums as may be necessary to carry out the provisions of
6 this Act.

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