117th CONGRESS 1st Session



To establish a Federal cost share percentage for the Milk River Project in the State of Montana.

IN THE SENATE OF THE UNITED STATES

Mr. TESTER (for himself and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on ______

A BILL

To establish a Federal cost share percentage for the Milk River Project in the State of Montana.

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 "St. Mary's Reinvest-

5 ment Act".

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) PROJECT BENEFICIARY.—The term
9 "Project Beneficiary" means any entity that enters
10 into a contract with the Secretary to receive irriga-

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1	tion water or other associated project benefits in ex-
2	change for paying for allocated project costs of the
3	St. Mary Canal Rehabilitation Phase 1 Project.
4	(2) Secretary.—The term "Secretary" means
5	the Secretary of the Interior, acting through the
6	Commissioner of Reclamation.
7	(3) St. Mary canal rehabilitation phase 1
8	PROJECT.—
9	(A) IN GENERAL.—The term "St. Mary
10	Canal Rehabilitation Phase 1 Project" means
11	any activity associated with the construction of
12	the St. Mary Diversion Dam or St. Mary Canal
13	Headworks within the St. Mary Storage Unit of
14	the Milk River Project authorized by Congress
15	on March 25, 1905.
16	(B) EXCLUSION.—The term "St. Mary
17	Canal Rehabilitation Phase 1 Project" does not
18	include any activity associated with the oper-
19	ation or maintenance of the St. Mary Storage
20	Unit.
21	SEC. 3. AUTHORIZATION OF ST. MARY CANAL REHABILITA-
22	TION PHASE 1 PROJECT.
23	(a) Use of Appropriated Funds.—The Secretary
24	may use appropriated funds to carry out the St. Mary
25	Canal Rehabilitation Phase 1 Project.

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(b) PARTICIPATION OF BLACKFEET TRIBE.—

2 (1) IN GENERAL.—The Secretary shall coordi3 nate with the Blackfeet Tribe with respect to any re4 placement activities carried out under the St. Mary
5 Canal Rehabilitation Phase 1 Project.

6 (2) EFFECT ON RIGHTS OF TRIBE.—This Act
7 shall not be considered to be an Act appropriating
8 funds for the rehabilitation of the St. Mary Unit for
9 purposes of section 3708(b)(2)(A) of the Blackfeet
10 Water Rights Settlement Act (Public Law 114–322;
11 130 Stat. 1823).

(c) COST-SHARING REQUIREMENT.—The Federal
share of the total cost of the St. Mary Canal Rehabilitation Phase 1 Project shall be not less than 26.04 percent,
which shall be nonreimbursable to the United States.

16 (d) STUDY OF ABILITY TO PAY.—Not later than 1 17 year after the date on which funds are first appropriated for the St. Mary Canal Rehabilitation Phase 1 Project 18 19 under subsection (f), the Secretary shall conduct, at Fed-20 eral expense, a study of the ability of the Project Bene-21 ficiaries to pay, in accordance with procedures established 22 by the Secretary, the costs of the St. Mary Canal Rehabili-23 tation Phase 1 Project.

24 (e) REPAYMENT TERMS.—Based on the study con-25 ducted under subsection (d), the Secretary shall establish

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the repayment terms for the Project Beneficiaries with re spect to the St. Mary Canal Rehabilitation Phase 1
 Project.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—Subject to adjustment under
6 paragraph (2), there is authorized to be appro7 priated to the Secretary \$52,000,000 for the St.
8 Mary Canal Rehabilitation Phase 1 Project for the
9 period of fiscal years 2022 through 2032.

10 (2) ADJUSTMENT OF AMOUNT.—The amount 11 referred to in paragraph (1) may be increased or de-12 creased in accordance with ordinary fluctuations in 13 development costs incurred after the date of enact-14 ment of this Act, as indicated by any available engi-15 neering cost indices applicable to construction activi-16 ties that are similar to the construction of the St. 17 Mary Canal Rehabilitation Phase 1 Project, as de-18 termined by the Secretary.