

117TH CONGRESS
1ST SESSION

S. 737

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

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2021

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

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-

tion water or other associated project benefits in exchange for paying for allocated project costs of the St. Mary Canal Rehabilitation Phase 1 Project.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) ST. MARY CANAL REHABILITATION PHASE 1 PROJECT.—

(A) IN GENERAL.—The term “St. Mary Canal Rehabilitation Phase 1 Project” means any activity associated with the construction of the St. Mary Diversion Dam or St. Mary Canal Headworks within the St. Mary Storage Unit of the Milk River Project authorized by Congress on March 25, 1905.

(B) EXCLUSION.—The term “St. Mary Canal Rehabilitation Phase 1 Project” does not include any activity associated with the operation or maintenance of the St. Mary Storage Unit.

SEC. 3. AUTHORIZATION OF ST. MARY CANAL REHABILITATION PHASE 1 PROJECT.

(a) USE OF APPROPRIATED FUNDS.—The Secretary may use appropriated funds to carry out the St. Mary Canal Rehabilitation Phase 1 Project.

1 (b) PARTICIPATION OF BLACKFEET TRIBE.—

2 (1) IN GENERAL.—The Secretary shall coordi-
3 nate with the Blackfeet Tribe with respect to any re-
4 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).

12 (c) COST-SHARING REQUIREMENT.—The Federal
13 share of the total cost of the St. Mary Canal Rehabilita-
14 tion Phase 1 Project shall be not less than 26.04 percent,
15 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
18 for the St. Mary Canal Rehabilitation Phase 1 Project
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

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

4 (f) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—Subject to adjustment under
6 paragraph (2), there is authorized to be appro-
7 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.

○