

103^D CONGRESS
2^D SESSION

H. R. 3954

To expand the Mni Wiconi Rural Water Supply Project, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1994

Mr. JOHNSON of South Dakota introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To expand the Mni Wiconi Rural Water Supply Project, 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 “Mni Wiconi Act
5 Amendments of 1994”.

6 **SEC. 2. REFERENCE.**

7 Whenever in this Act a section or other provision is
8 amended or repealed, such amendment or repeal shall be
9 considered to be made to that section or other provision
10 of the Mni Wiconi Project Act of 1988 (102 Stat. 2566).

1 **SEC. 3. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Subsection (a) of section 2 (102
3 Stat. 2566) is amended—

4 (1) in paragraph (1), by striking “Reservation”
5 and inserting “Reservation, Rosebud Indian Res-
6 ervation, and Lower Brule Indian Reservation”;

7 (2) by redesignating paragraphs (3), (4), and
8 (5) as paragraphs (4), (5), and (6), respectively, and
9 by inserting after paragraph (2) the following new
10 paragraph:

11 “(3) the lack of water supplies on the Rosebud
12 Reservation and Lower Brule Reservation restrict
13 efforts to promote economic development on those
14 reservations;”;

15 (3) in paragraph (5), as redesignated by para-
16 graph (2) of this subsection, by striking “Reserva-
17 tion;” and inserting “Reservation, Rosebud Indian
18 Reservation, and Lower Brule Indian Reservation;”;
19 and

20 (4) in paragraph (6), as redesignated by para-
21 graph (2) of this subsection, by inserting “Rosebud
22 Indian Reservation and Lower Brule Indian Res-
23 ervation,” after “Reservation,”.

24 (b) PURPOSE.—Subsection (b) of section 2 (102 Stat.
25 2566) is amended by inserting “, Rosebud Indian Reserva-

1 tion, and Lower Brule Indian Reservation” after “Res-
2 ervation” each place it appears.

3 **SEC. 4. OGLALA SIOUX RURAL WATER SUPPLY SYSTEM.**

4 (a) AUTHORIZATION.—Subsection (a) of section 3
5 (102 Stat. 2567) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “1988.” and inserting “1988, and as more
8 specifically described in the Final Engineering Re-
9 port dated May, 1993.”; and

10 (2) by amending paragraph (3) to read as fol-
11 lows:

12 “(3) facilities to allow for interconnections with
13 the West River Rural Water System, Lyman-Jones
14 Rural Water System, Rosebud Sioux Rural Water
15 System, and Lower Brule Sioux Rural Water Sys-
16 tem;”.

17 (b) CONSTRUCTION REQUIREMENTS.—Subsection (d)
18 of such section (102 Stat. 2568) is amended—

19 (1) by striking “West River Rural Water Sys-
20 tem, and”; and by inserting “West River Rural
21 Water System, the Lyman-Jones Rural Water Sys-
22 tem, the Rosebud Sioux Rural Water System, and
23 the Lower Brule Sioux Rural Water System,”; and

24 (2) by striking “three systems” and inserting
25 “five systems authorized under this Act”.

1 (c) TITLE TO SYSTEM.—Subsection (e) of such sec-
2 tion (102 Stat. 2568) is amended by inserting “or encum-
3 bered” after “transferred”.

4 **SEC. 5. ROSEBUD SIOUX RURAL WATER SYSTEM AND**
5 **LOWER BRULE SIOUX RURAL WATER SYSTEM.**

6 The Act is amended by inserting after section 3 the
7 following:

8 **“SEC. 3A. ROSEBUD SIOUX RURAL WATER SYSTEM.**

9 “(a) AUTHORIZATION.—The Secretary is authorized
10 and directed to plan, design, construct, operate, maintain,
11 and replace a municipal, rural, and industrial water sys-
12 tem, to be known as the Rosebud Sioux Rural Water Sys-
13 tem, as generally described in the Rosebud Sioux Tribe
14 Municipal, Rural and Industrial Water Needs Assessment,
15 dated July 1993, and the Final Engineering Report for
16 the Mni Wiconi Rural Water Supply Project dated May,
17 1993. The Rosebud Sioux Rural Water system shall con-
18 sist of—

19 “(1) necessary pumping and treatment facili-
20 ties;

21 “(2) pipelines extending from the points of
22 interconnections with the Oglala Sioux Rural Water
23 System to the Rosebud Indian Reservation;

24 “(3) facilities to allow for interconnections with
25 the Lyman-Jones Rural Water Supply System;

1 “(4) distribution and treatment facilities to
2 serve the needs of the Rosebud Indian Reservation,
3 and other areas described in the Rosebud Sioux
4 Tribe Municipal, Rural and Industrial Water Needs
5 Assessment, dated July 1993, including (but not
6 limited to) the purchase, improvement and repair of
7 existing water systems, including systems owned by
8 individual tribal members and other residents of the
9 Rosebud Indian Reservation;

10 “(5) appurtenant buildings and property rights;

11 “(6) necessary property and property rights;

12 “(7) electrical power transmission and distribu-
13 tion facilities necessary for services to water systems
14 facilities; and

15 “(8) such other pipelines, pumping plants, and
16 facilities as the Secretary deems necessary and ap-
17 propriate to meet the water supply, economic, public
18 health, and environmental needs of the reservation,
19 including (but not limited to) water storage tanks,
20 water lines, and other facilities for the Rosebud
21 Sioux Tribe and reservation villages, towns, and mu-
22 nicipalities.

23 “(b) AGREEMENT WITH NON-FEDERAL ENTITY TO
24 PLAN, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN
25 THE ROSEBUD SIOUX RURAL WATER SUPPLY SYSTEM.—

1 “(1) In carrying out subsection (a), the Sec-
2 retary, with the concurrence of the Rosebud Sioux
3 Tribal Council, shall enter into cooperative agree-
4 ments with the appropriate non-Federal entity or en-
5 tities for planning, designing, constructing, operat-
6 ing, maintaining, and replacing the Rosebud Sioux
7 Rural Water System.

8 “(2) Such cooperative agreements shall set
9 forth, in a manner acceptable to the Secretary—

10 “(A) the responsibilities of the parties for
11 needs assessment, feasibility, and environmental
12 studies; engineering and design; construction;
13 water conservation measures; and administra-
14 tion of any contracts with respect to this sub-
15 paragraph;

16 “(B) the procedures and requirements for
17 approval and acceptance of such design and
18 construction; and

19 “(C) the rights, responsibilities, and liabil-
20 ities of each party to the agreement.

21 “(3) Such cooperative agreements may include
22 purchase, improvement, and repair of existing water
23 systems, including systems owned by individual trib-
24 al members and other residents located on the Rose-
25 bud Indian Reservation.

1 “(4) The Secretary may unilaterally terminate
2 any cooperative agreement entered into pursuant to
3 this section if the Secretary determines that the
4 quality of construction does not meet all standards
5 established for similar facilities constructed by the
6 Secretary or that the operation and maintenance of
7 the system does not meet conditions acceptable to
8 the Secretary for fulfilling the obligations of the
9 United States to the Rosebud Sioux Tribe.

10 “(5) Upon execution of any cooperative agree-
11 ment authorized under this section, the Secretary is
12 authorized to transfer to the appropriate non-Fed-
13 eral entity, on a nonreimbursable basis, the funds
14 authorized to be appropriated by section 10(a) for
15 the Rosebud Sioux Rural Water System.

16 “(c) SERVICE AREA.—The service area of the Rose-
17 bud Sioux Rural Water System shall extend to all of Todd
18 County, South Dakota, and to all other territory and lands
19 generally described in the Rosebud Sioux Tribe Municipal,
20 Rural and Industrial Water Needs Assessment, dated July
21 1993 and the Final Engineering Report for the Mni
22 Wiconi Rural Water Supply Project dated May 1993.

23 “(d) CONSTRUCTION REQUIREMENTS.—The pump-
24 ing plants, pipelines, treatment facilities, and other appur-
25 tenant facilities for the Rosebud Sioux Rural Water Sys-

1 tem shall be planned and constructed to a size sufficient
2 to meet the municipal, rural and industrial water supply
3 requirements of the Rosebud Sioux Tribe and the Lyman-
4 Jones Rural Water System, as generally described in the
5 Rosebud Sioux Tribe Municipal, Rural and Industrial
6 Water Needs Assessment, dated July 1993, and the Final
7 Engineering Report for the Mni Wiconi Rural Water Sup-
8 ply Project dated May, 1993, taking into account the ef-
9 fects of the conservation plans described in section 5. The
10 Rosebud Rural Water System and Lyman-Jones Rural
11 Water System may be interconnected and provided with
12 water service from common facilities. Any joint costs asso-
13 ciated with common facilities shall be allocated to the
14 Rosebud Sioux Rural Water System.

15 “(e) TITLE TO SYSTEM.—Title to the Rosebud Sioux
16 Rural Water System shall be held in trust for the Rosebud
17 Sioux Tribe by the United States and shall not be trans-
18 ferred or encumbered without a subsequent Act of Con-
19 gress.

20 “(f) TECHNICAL ASSISTANCE.—The Secretary is au-
21 thorized and directed to provide such technical assistance
22 as may be necessary to the Rosebud Sioux Tribe to plan,
23 develop, construct, operate, maintain, and replace the
24 Rosebud Sioux Rural Water System, including (but not
25 limited to) operation and management training.

1 “(g) APPLICATION OF THE INDIAN SELF-DETER-
2 MINATION ACT.—Planning, design, construction, and op-
3 eration of the Rosebud Sioux Rural Water System shall
4 be subject to the provisions of the Indian Self-Determina-
5 tion Act (Public Law 93–638, 25 U.S.C. 450).

6 **“SEC. 3B. LOWER BRULE SIOUX RURAL WATER SYSTEM.**

7 “(a) AUTHORIZATION.—The Secretary is authorized
8 and directed to plan, design, construct, operate, maintain,
9 and replace a municipal, rural, and industrial water sys-
10 tem, to be known as the Lower Brule Sioux Rural Water
11 System, as generally described in the Final Engineering
12 Report for the Mni Wiconi Rural Water Supply Project,
13 dated May 1993. The Lower Brule Sioux Rural Water
14 System shall consist of—

15 “(1) necessary pumping and treatment facili-
16 ties;

17 “(2) pipelines extending from the points of
18 interconnections with the Oglala Sioux Rural Water
19 Supply System to the Lower Brule Indian Reserva-
20 tion;

21 “(3) facilities to allow for interconnections with
22 the Lyman-Jones Rural Water Supply System;

23 “(4) distribution and treatment facilities to
24 serve the needs of the Lower Brule Indian Reserva-
25 tion, including (but not limited to) the purchase, im-

1 improvement and repair of existing water systems, in-
2 cluding systems owned by individual tribal members
3 and other residents of the Lower Brule Indian Res-
4 ervation;

5 “(5) appurtenant buildings and property rights;

6 “(6) necessary property and property rights;

7 “(7) electrical power transmission and distribu-
8 tion facilities necessary for services to water systems
9 facilities; and

10 “(8) such other pipelines, pumping plants, and
11 facilities as the Secretary deems necessary and ap-
12 propriate to meet the water supply, economic, public
13 health, and environmental needs of the reservation,
14 including (but not limited to) water storage tanks,
15 water lines, and other facilities for the Lower Brule
16 Sioux Tribe and reservation villages, towns and mu-
17 nicipalities.

18 “(b) AGREEMENT WITH NON-FEDERAL ENTITY TO
19 PLAN, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN
20 THE LOWER BRULE SIOUX RURAL WATER SUPPLY SYS-
21 TEM.—

22 “(1) In carrying out subsection (a), the Sec-
23 retary, with the concurrence of the Lower Brule
24 Sioux Tribal Council, shall enter into cooperative
25 agreements with the appropriate non-Federal entity

1 or entities for planning, designing, constructing, op-
2 erating, maintaining, and replacing the Lower Brule
3 Sioux Rural Water System.

4 “(2) Such cooperate agreements shall set forth,
5 in a manner acceptable to the Secretary—

6 “(A) the responsibilities of the parties for
7 needs assessment, feasibility, and environmental
8 studies; engineering and design, construction;
9 water conservation measures; and administra-
10 tion of any contracts with respect to this sub-
11 paragraph;

12 “(B) the procedures and requirements for
13 approval and acceptance of such design and
14 construction; and

15 “(C) the rights, responsibilities, and liabil-
16 ities of each party to the agreement.

17 “(3) Such cooperative agreements may include
18 purchase, improvement, and repair of existing water
19 systems, including systems owned by individual trib-
20 al members and other residents located on the
21 Lower Brule Indian Reservation.

22 “(4) The Secretary may unilaterally terminate
23 any cooperative agreement entered into pursuant to
24 this section if the Secretary determines that the
25 quality of construction does not meet all standards

1 established for similar facilities constructed by the
2 Secretary or that the operation and maintenance of
3 the system does not meet conditions acceptable to
4 the Secretary for fulfilling the obligations of the
5 United States to the Lower Brule Sioux Tribe.

6 “(5) Upon execution of any cooperative agree-
7 ment authorized under this section, the Secretary is
8 authorized to transfer to the appropriate non-Fed-
9 eral entity, on a nonreimbursable basis, the funds
10 authorized to be appropriated by section 10(a) for
11 the Lower Brule Sioux Rural Water System.

12 “(c) SERVICE AREA.—The service area of the Lower
13 Brule Sioux Rural Water System shall be the boundaries
14 of the Lower Brule Indian Reservation.

15 “(d) CONSTRUCTION REQUIREMENTS.—The pump-
16 ing plants, pipelines, treatment facilities, and other appur-
17 tenant facilities for the Lower Brule Sioux Rural Water
18 System shall be planned and constructed to a size suffi-
19 cient to meet the municipal, rural, and industrial water
20 supply requirements of the Lower Brule Sioux Tribe and
21 the Lyman-Jones Rural Water System, as generally de-
22 scribed in the Final Engineering Report of the Mni Wiconi
23 Rural Water Supply Project, dated May 1993, taking into
24 account the effects of the conservation plans described in
25 section 5. The Lower Brule Sioux Rural Water System

1 and Lyman-Jones Rural Water System may be inter-
2 connected and provided with water service from common
3 facilities. Any joint costs associated with common facilities
4 shall be allocated to the Lower Brule Sioux Rural Water
5 System.

6 “(e) TITLE TO SYSTEM.—Title to the Lower Brule
7 Sioux Rural Water System shall be held in trust for the
8 Lower Brule Sioux Tribe by the United States and shall
9 not be transferred or encumbered without a subsequent
10 Act of Congress.

11 “(f) TECHNICAL ASSISTANCE.—The Secretary is au-
12 thorized and directed to provide such technical assistance
13 as may be necessary to the Lower Brule Sioux Tribe to
14 plan, develop, construct, operate, maintain, and replace
15 the Lower Brule Sioux Rural Water System, including
16 (but not limited to) operation and management training.

17 “(g) APPLICATION OF THE INDIAN SELF-DETER-
18 MINATION ACT.—Planning, design, construction, and op-
19 eration of the Lower Brule Sioux Rural Water System
20 shall be subject to the provisions of the Indian Self-Deter-
21 mination Act (Public Law 93–638, 25 U.S.C. 450).”.

22 **SEC. 6. WEST RIVER RURAL WATER SYSTEM AND LYMAN-**
23 **JONES RURAL WATER SYSTEM.**

24 (a) SERVICE AREA.—Subsection (d) of section 4 (102
25 Stat. 2569) is amended by striking the period at the end

1 thereof and inserting “, and Final Engineering Report
2 dated May 1993.”.

3 (b) INTERCONNECTION OF FACILITIES AND WAIVER
4 OF CHARGES.—Section 4 of the Act (102 Stat. 2568) is
5 amended by redesignating subsection (f) as subsection (g)
6 and inserting after subsection (e) the following new sub-
7 section:

8 “(f) INTERCONNECTION OF FACILITIES AND WAIVER
9 OF CHARGES.—The Secretary is authorized to inter-
10 connect the Lyman-Jones Rural Water System, and the
11 West River Rural Water System, with each of the other
12 systems authorized under this Act, and to provide for the
13 delivery of water to the West River Rural Water System,
14 and Lyman-Jones Rural Water System, without charge or
15 cost, from the Missouri River and through common facili-
16 ties of the Oglala Sioux Rural Water Supply System,
17 Rosebud Rural Water System and Lower Brule Rural
18 Water System.”.

19 **SEC. 7. WATER CONSERVATION.**

20 Section 5 of the Act (102 Stat. 2570) is amended
21 by striking “The non-Federal parties (including the Oglala
22 Sioux Tribe)” and inserting “Each non-Federal party (in-
23 cluding the Oglala Sioux Tribe, Rosebud Sioux Tribe, and
24 Lower Brule Sioux Tribe)”.

1 **SEC. 8. MITIGATION OF FISH AND WILDLIFE LOSSES.**

2 Section 6 of the Act (102 Stat. 2570) is amended—

3 (1) in subsection (a)—

4 (A) by inserting “, ROSEBUD SIOUX
5 RURAL WATER SUPPLY SYSTEM, LOWER
6 BRULE SIOUX RURAL WATER SUPPLY SYS-
7 TEM,” after “SUPPLY SYSTEM”; and

8 (B) by inserting “Rosebud Sioux Rural
9 Water Supply System, Lower Brule Sioux
10 Rural Water Supply System,” after “Supply
11 System,”; and

12 (2) in subsection (b)—

13 (A) by inserting “, all Indian tribes resid-
14 ing on reservations within the State of South
15 Dakota,” after “South Dakota”;

16 (B) by inserting “and terrestrial” after
17 “wildlife”;

18 (C) by striking “Such plans” and inserting
19 “Such recommendations”; and

20 (D) by adding at the end the following:

21 “The Indian tribes shall be afforded an opportunity to re-
22 view and concur within any recommendations affecting
23 their reservations before they are submitted to Congress.”.

1 **SEC. 9. ESTABLISHMENT OF THE OGLALA SIOUX, ROSEBUD**
2 **SIOUX AND LOWER BRULE SIOUX BIO-DIVER-**
3 **SITY TRUSTS.**

4 The Act is amended by inserting after section 6 the
5 following new sections:

6 **“SEC. 6A. ESTABLISHMENT OF THE OGLALA SIOUX, ROSE-**
7 **BUD SIOUX AND LOWER BRULE SIOUX BIO-DI-**
8 **VERSITY TRUSTS.**

9 “(a) AUTHORIZATION.—The Secretary shall make
10 Federal grants to the Oglala Sioux, Rosebud Sioux and
11 Lower Brule Sioux Bio-Diversity Trusts. The Federal con-
12 tribution shall not exceed \$16,000,000 and shall be paid
13 in 5 annual installments beginning in fiscal year 1995 and
14 expended as provided in the Final Engineering Report and
15 Environmental Assessment for the Mni Wiconi Rural
16 Water Supply Project, dated May 1993, required by sec-
17 tion 3(f) of this Act.

18 “(b) ELIGIBILITY REQUIREMENTS FOR FEDERAL
19 CONTRIBUTIONS.—Each Trust shall be eligible to receive
20 Federal grants under subsection (a) if it—

21 “(1) is established and operated as a nonprofit
22 corporation under the laws of the Tribe on whose
23 reservation it will operate;

24 “(2) is incorporated to select and provide fund-
25 ing to projects that restore, protect and enhance
26 wildlife and wildlife habitat;

1 “(3) is under the direction of a Board of Trust-
2 ees that—

3 “(A) has the power to manage all the af-
4 fairs of the corporation, including administra-
5 tion, data collection, and implementation of the
6 purposes of the Trust; and

7 “(B) is composed of members that do not
8 serve on any Federal, tribal, or State legislative
9 body, court, agency, commission or board; and

10 “(4) is comprised of not less than 3 persons or
11 more than 5 persons elected to 3-year, staggered
12 terms by the eligible voters of the Tribe on whose
13 reservation the Trust will operate.

14 “(c) OPERATIONAL REQUIREMENTS OF BIO-DIVER-
15 SITY TRUSTS.—The Oglala Sioux, Rosebud Sioux and
16 Lower Brule Sioux Bio-Diversity Trusts shall be deemed
17 to be operating in accordance with this section if—

18 “(1) each Trust is operated to select and pro-
19 vide funding to projects that protect, restore and
20 maintain plant and animal communities and large-
21 scale natural ecosystems in accordance with its cor-
22 porate purposes. Projects eligible for funding include
23 those that—

24 “(A) reconstitute natural biological diver-
25 sity that has been diminished;

1 “(B) assist the recovery of species popu-
2 lations, communities and ecosystems that are
3 unable to survive on-site without intervention;

4 “(C) allow reintroduction and reoccupation
5 by native flora and fauna;

6 “(D) control or eliminate exotic flora and
7 fauna which are damaging natural ecosystems;

8 “(E) restore natural habitat for the re-
9 cruitment and survival of fish, waterfowl and
10 other wildlife;

11 “(F) provide additional conservation values
12 to Indian trust lands;

13 “(G) add to structural and compositional
14 values of existing preserves or enhance the via-
15 bility, defensibility and management of pre-
16 serves; and

17 “(H) restore natural hydrological effects
18 including sediment and erosion control drain-
19 age, percolation and other water quality im-
20 provement capacity;

21 “(2) each Trust is managed in a fiscally respon-
22 sible fashion by investing in private and public fi-
23 nancial vehicles approved by the Secretary with the
24 goal of producing income and preserving principle;

1 “(3) trust funds are deposited in financial insti-
2 tutions other than those used by the Oglala Sioux
3 Tribe, Rosebud Sioux Tribe and Lower Brule Sioux
4 Tribe for their General Funds; the principal will be
5 inviolate, but income from the principal will be used
6 to accomplish the goals of the trust; and expendi-
7 tures of all funds from each trust account shall be
8 based on an annual budget approved by the Sec-
9 retary; and

10 “(4) not less than 10 percent of the interest
11 earned each year from the principal in each account
12 shall be added to the principal.

13 “(d) RESTRICTION ON LOCATION OF PROJECTS TO
14 BE FUNDED BY TRUST.—Projects eligible for funding
15 under this section must be located within the service areas
16 of the Oglala Sioux Rural Water Supply System, the Rose-
17 bud Sioux Rural Water System or Lower Brule Sioux
18 Rural Water System.

19 “(e) REPORTING REQUIREMENTS ON TRUST.—The
20 Secretary shall annually report on the operation and man-
21 agement of each Trust to the Committee on Natural Re-
22 sources and the Committee on Appropriations of the
23 House of Representatives and the Committee on Energy
24 and Natural Resources, the Committee on Appropriations,
25 and the Select Committee on Indian Affairs of the Senate.

1 **“SEC. 6B. ESTABLISHMENT OF THE WEST RIVER AND**
2 **LYMAN-JONES BIO-DIVERSITY TRUST.**

3 “(a) AUTHORIZATION.—The Secretary shall make a
4 Federal contribution in the form of a Federal grant to
5 the West River and Lyman-Jones Bio-Diversity Trusts.
6 The Federal contribution shall not exceed \$9,000,000 and
7 shall be paid in five annual installments beginning in fiscal
8 year 1995.

9 “(b) ELIGIBILITY REQUIREMENTS FOR FEDERAL
10 CONTRIBUTIONS.—The West River and Lyman-Jones
11 Bio-Diversity Trusts shall be eligible to receive Federal
12 contributions pursuant to subsection (a) if they comply
13 with the following requirements:

14 “(1) Each Trust is established and operated as
15 a nonprofit corporation under the laws of the State
16 of South Dakota.

17 “(2) The corporate purposes of each Trust are
18 to select and provide funding to projects that re-
19 store, protect and enhance wildlife and wildlife habi-
20 tat within the West River and Lyman-Jones service
21 areas described in section 4(d) of this Act.

22 “(3) Each Trust is under the direction of a
23 Board of Trustees that has the power to manage all
24 the affairs of the corporation, including administra-
25 tion, data collection, and implementation of the pur-
26 poses of the Trust.

1 “(4) The Board of each Trust is comprised of
2 not less than 3 nor more than 10 persons appointed
3 by the West River Rural Water System and Lyman-
4 Jones Rural Water System recognized in section 4
5 of this Act.

6 “(c) OPERATIONAL REQUIREMENTS OF TRUST.—
7 The West River and Lyman-Jones Bio-Diversity Trusts
8 shall be deemed to be operating in accordance with this
9 section if—

10 “(1) each Trust is operated to select and pro-
11 vide funding to projects that protect, restore and
12 maintain plant and animal communities and large-
13 scale natural ecosystems in accordance with its cor-
14 porate purposes. Projects eligible for funding by the
15 Trust include those that—

16 “(A) reconstitute natural biological diver-
17 sity that has been diminished;

18 “(B) assist the recovery of species popu-
19 lations, communities, and ecosystems that are
20 unable to survive on site without intervention;

21 “(C) allow reintroduction and reoccupation
22 by native flora and fauna;

23 “(D) control or eliminate exotic flora and
24 fauna which are damaging natural ecosystems;

1 “(E) restore natural habitat for the re-
2 cruitment and survival of fish, waterfowl and
3 other wildlife;

4 “(F) add to structural and compositional
5 values of existing preserves or enhance the via-
6 bility, defensibility and management of pre-
7 serves; and

8 “(G) restore natural hydrological effects
9 including sediment and erosion control drain-
10 age, percolation and other water quality im-
11 provement capacity;

12 “(2) each trust is managed in a fiscally respon-
13 sible fashion by investing in private and public fi-
14 nancial vehicles approved by the Secretary with the
15 goal of producing income and preserving principal;
16 and the principal of each trust will be inviolate, but
17 income from the principal will be used to accomplish
18 the goals of the trust;

19 “(3) expenditures of all funds from each trust
20 account shall be based on an annual budget ap-
21 proved by the Secretary; and

22 “(4) not less than 10 percent of the interest
23 earned each year from the principal in each account
24 shall be added to the principal.

1 “(d) RESTRICTION ON LOCATION OF PROJECTS TO
2 BE FUNDED BY TRUST.—Projects eligible for funding
3 under this section must be located within the service areas
4 of the West River Rural Water System and the Lyman-
5 Jones Rural Water System.

6 “(e) REPORTING REQUIREMENTS ON TRUST.—The
7 Secretary shall annually report on the operation and man-
8 agement of each Trust to the Committee on Natural Re-
9 sources and the Committee on Appropriations of the
10 House of Representatives and the Committee on Energy
11 and Natural Resources and the Committee on Appropria-
12 tions of the Senate.”.

13 **SEC. 10. PROHIBITION OF USE OF FUNDS FOR IRRIGATION**
14 **PURPOSES.**

15 Section 7 of the Act (102 Stat. 2570) is amended
16 by striking “Supply System,” and inserting “Supply Sys-
17 tem, the Rosebud Sioux Rural Water Supply System, the
18 Lower Brule Rural Water Supply System.”.

19 **SEC. 11. RULE OF CONSTRUCTION.**

20 Section 8 of the Act (102 Stat. 2570) is amended—

21 (1) by inserting “, Rosebud Sioux Tribe, and
22 Lower Brule Sioux Tribe” after “Tribe”; and

23 (2) by striking “or construct” and inserting
24 “construct, operate, maintain, or replace”.

1 **SEC. 12. USE OF PICK-SLOAN POWER.**

2 (a) IN GENERAL.—Subsection (a) of section 9 (102
3 Stat. 2570) is amended by striking “sections 3” and in-
4 serting “sections 3, 3A, 3B,”.

5 (b) POWER TO BE USED.—Subsection (b) of section
6 9 (102 Stat. 2570) is amended by striking the period at
7 the end thereof and inserting the following: “on an annual
8 basis. For the purposes of this subsection, the term ‘an-
9 nual basis’ means 12 months out of each calendar year.”.

10 (c) ADDITIONAL POWER.—Subsection (d) of section
11 9 is amended by striking “is authorized to” and all that
12 follows and inserting the following:

13 “shall—

14 “(1) in fulfillment of the Federal Government’s
15 obligations and responsibilities to provide preference
16 power to Indian tribes under Pick-Sloan, provide the
17 Oglala Sioux Rural Water Supply System, Rosebud
18 Sioux Rural Water Supply System and Lower Brule
19 Rural Water Supply System with all additional
20 power necessary at the wholesale firm power rate for
21 Pick-Sloan (Eastern Division) in effect at the time
22 power is sold; and

23 “(2) purchase additional power needed for the
24 West River Rural Water System and Lyman-Jones
25 Rural Water System if necessary under such terms

1 and conditions as the Administrator deems appro-
2 priate.

3 Expenses associated with power purchases under para-
4 graph (2) shall be recovered through a separate power
5 charge, sufficient to recover these expenses, applied to the
6 West River Rural Water System and Lyman-Jones Rural
7 Water System.”.

8 (d) DEFINITIONS.—Subsection (e)(1) of section 9
9 (102 Stat. 2571) is amended by striking “Supply Sys-
10 tem,” and inserting “Supply System, the Rosebud Sioux
11 Rural Water Supply System, the Lower Brule Sioux Rural
12 Water Supply System,”.

13 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 10 of the Act (102 Stat. 2571) is amended
15 to read as follows:

16 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) PLANNING, DESIGN, AND CONSTRUCTION.—
18 There are authorized to be appropriated \$263,241,000 for
19 the planning, design, and construction of the Oglala Sioux
20 Rural Water Supply System, the Rosebud Sioux Rural
21 Water Supply System, the Lower Brule Sioux Rural
22 Water Supply System, the West River Rural Water Supply
23 System, and the Lyman-Jones Rural Water Supply Sys-
24 tem described in sections 3, 3A, 3B, and 4. Such funds
25 are authorized to be appropriated only through the end

1 of the year 2003. The funds authorized to be appropriated
2 by the first sentence of this section, less any amounts pre-
3 viously obligated for the Systems, may be increased or de-
4 creased by such amounts as may be justified by reason
5 of ordinary fluctuations in development costs incurred
6 after October 1, 1992, as indicated by engineering costs
7 indices applicable for the type of construction involved.

8 “(b) OPERATION AND MAINTENANCE OF OGLALA
9 SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX
10 RURAL WATER SUPPLY SYSTEM AND LOWER BRULE
11 SIOUX RURAL WATER SUPPLY SYSTEM.—There are au-
12 thorized to be appropriated such sums as may be nec-
13 essary for the operation and maintenance of the Oglala
14 Sioux Rural Water Supply System, Rosebud Sioux Rural
15 Water Supply System and Lower Brule Sioux Rural
16 Water Supply System.

17 “(c) BIO-DIVERSITY TRUSTS.—There is authorized
18 to be appropriated \$26,500,000 for the establishment, op-
19 eration, and maintenance of the bio-diversity trusts estab-
20 lished under sections 6A and 6B of this Act. The Sec-
21 retary shall utilize \$1,500,000 of the funds authorized
22 under this subsection as start-up funds for the trusts. The
23 funds authorized by this subsection may be increased by
24 such amounts as may be justified by reason of ordinary

1 fluctuations in development costs incurred after January
2 1, 1994.

3 “(d) WASTE WATER DISPOSAL SYSTEMS FEASIBIL-
4 ITY STUDIES.—There is authorized to be appropriated
5 such sums as may be necessary to complete the feasibility
6 studies authorized by section 15(c).”.

7 **SEC. 14. WATER RIGHTS.**

8 Paragraph (5) of section 11 (102 Stat. 2571) is
9 amended—

10 (1) by inserting “rights, benefits, privileges or
11 claims, including” after “affect any”;

12 (2) by inserting “Rosebud Sioux Tribe and
13 Lower Brule Sioux Tribe,” after “Tribe,” the first
14 place it appears;

15 (3) by striking “the Pine Ridge Indian Reserva-
16 tion” and inserting “their respective reservations”;
17 and

18 (4) by striking “Tribe,” the second place it ap-
19 pears and inserting “Tribe, Rosebud Sioux Tribe,
20 Lower Brule Sioux Tribe,”.

21 **SEC. 15. FEASIBILITY STUDIES.**

22 (a) ALTERNATE USES.—Section 3 of Public Law 97-
23 273, as amended by section 12(b) of Public Law 100-516
24 (102 Stat. 2572), is amended by striking “Dakota,” and

1 inserting “Dakota and all Indian tribes residing on res-
2 ervations within the State of South Dakota,”.

3 (b) WASTE WATER DISPOSAL SYSTEMS.—Section 12
4 of the Act (102 Stat. 2572) is amended by adding at the
5 end the following:

6 “(c) WASTE WATER DISPOSAL SYSTEMS.—(1) The
7 Secretary is authorized and directed, in consultation with
8 the Oglala Sioux Tribe, Rosebud Sioux Tribe and Lower
9 Brule Sioux Tribe, to conduct feasibility studies on the
10 need to develop waste water disposal facilities and sys-
11 tems, and rehabilitate existing waste water disposal facili-
12 ties and systems, on the Pine Ridge Indian Reservation,
13 Rosebud Indian Reservation and Lower Brule Indian Res-
14 ervation, and to report to the Congress the findings of
15 such studies along with his recommendations.

16 “(2) The feasibility studies authorized under this
17 subsection shall be completed and presented to Congress
18 within one year after the date that funds are first made
19 available by the Secretary to complete the studies.”.

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