

113TH CONGRESS  
1ST SESSION

# S. 684

To amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2013

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

---

## A BILL

To amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, 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 Project  
5 Act Amendments of 2013”.

6 **SEC. 2. OTHER AGENCY ASSISTANCE.**

7 The Mni Wiconi Project Act of 1988 (Public Law  
8 100–516; 102 Stat. 2566; 108 Stat. 4543) is amended  
9 by inserting after section 3B the following:

1 **“SEC. 3C. PLANS FOR COMPLETING THE OGLALA SIOUX**  
2 **RURAL WATER SUPPLY SYSTEM, ROSEBUD**  
3 **SIOUX RURAL WATER SYSTEM, AND LOWER**  
4 **BRULE SIOUX RURAL WATER SYSTEM.**

5 “(a) PLANS FOR COMPLETION.—

6 “(1) IN GENERAL.—In consultation with the  
7 Oglala Sioux Tribe, the Rosebud Sioux Tribe, and  
8 the Lower Brule Sioux Tribe, as applicable, and the  
9 Federal agency heads listed in subsection (b)(1), the  
10 Secretary shall develop plans to complete the Oglala  
11 Sioux Rural Water Supply System, the Rosebud  
12 Sioux Rural Water System, and the Lower Brule  
13 Sioux Rural Water System.

14 “(2) CONTENTS.—The plan for each water sup-  
15 ply system described in paragraph (1) shall re-  
16 quire—

17 “(A) the completion of remaining compo-  
18 nents of the applicable system in accordance  
19 with the Final Engineering Report dated May  
20 1993;

21 “(B) the improvement, repair, and replace-  
22 ment of existing water systems; and

23 “(C) the transfer of those existing water  
24 systems to the United States, to be held in  
25 trust for the Oglala Sioux Tribe, the Rosebud  
26 Sioux Tribe, or the Lower Brule Sioux Tribe,

1 as applicable, and made part of the applicable  
2 rural water system.

3 “(3) SUBMISSION TO CONGRESS.—Not later  
4 than 2 years after the date of enactment of this sec-  
5 tion, the Secretary shall submit to the Committee on  
6 Energy and Natural Resources of the Senate and  
7 the Committee on Natural Resources of the House  
8 of Representatives—

9 “(A) a copy of each plan developed under  
10 this subsection, including a schedule for full im-  
11 plementation of the plan that shall not exceed  
12 a period of 15 years after the date of enactment  
13 of this section;

14 “(B) a report that includes—

15 “(i) a description of the roles and re-  
16 sponsibilities of each of the heads of the  
17 Federal agencies listed in subsection (b)(1)  
18 (including the Commissioner of the Bureau  
19 of Reclamation) relating to the completion  
20 of the water supply systems, including with  
21 respect to the improvement, repair, and re-  
22 placement of the existing water systems  
23 before and after transfer;

24 “(ii) the program authorities of each  
25 Federal agency listed in subsection (b)(1)

1 and a description of how the heads of the  
2 Federal agencies will work together to  
3 complete and implement the plans; and

4 “(iii) the amount of funding and any  
5 other need the Secretary determines to be  
6 necessary to complete and implement the  
7 plans; and

8 “(C) as applicable, a description of the  
9 roles and responsibilities of the heads of other  
10 Federal agencies that have existing authorities  
11 to provide assistance to the Oglala Sioux Tribe,  
12 the Rosebud Sioux Tribe, or the Lower Brule  
13 Sioux Tribe.

14 “(b) INTERAGENCY AGREEMENTS.—

15 “(1) IN GENERAL.—Notwithstanding any other  
16 provision of law, the Secretary shall enter into  
17 agreements with the Administrator of the Environ-  
18 mental Protection Agency, the Secretary of Agri-  
19 culture, the Secretary of Health and Human Serv-  
20 ices, and the Secretary of Housing and Urban De-  
21 velopment—

22 “(A) to fulfill the trust responsibility of the  
23 United States; and

24 “(B) to complete the Oglala Sioux Rural  
25 Water Supply System, the Rosebud Sioux Rural

1 Water System, and the Lower Brule Sioux  
2 Rural Water System in accordance with the  
3 Final Engineering Report dated May 1993, in-  
4 cluding the transfer of existing water systems.

5 “(2) COOPERATION.—

6 “(A) IN GENERAL.—The heads of the Fed-  
7 eral agencies described in paragraph (1) shall  
8 assist the Secretary in completing the Oglala  
9 Sioux Rural Water Supply System, the Rosebud  
10 Sioux Rural Water System, and the Lower  
11 Brule Sioux Rural Water System pursuant to  
12 sections 3(a), 3A(a), and 3B(a), respectively,  
13 including by—

14 “(i) improving, repairing, and replac-  
15 ing existing water systems as set forth in  
16 the plans developed under subsection (a);  
17 and

18 “(ii) constructing new rural water fa-  
19 cilities, service lines, and other necessary  
20 features.

21 “(B) ADMINISTRATOR OF THE ENVIRON-  
22 MENTAL PROTECTION AGENCY.—The Adminis-  
23 trator of the Environmental Protection Agency  
24 shall assist the Secretary in meeting the envi-  
25 ronmental and safe drinking water needs of the

1 Pine Ridge Indian Reservation, the Rosebud In-  
2 dian Reservation, and the Lower Brule Indian  
3 Reservation, including through compliance with  
4 the Safe Drinking Water Act (42 U.S.C. 300f  
5 et seq.).

6 “(C) SECRETARY OF HEALTH AND HUMAN  
7 SERVICES.—The Secretary of Health and  
8 Human Services shall assist the Secretary in  
9 meeting the water supply and public health  
10 needs of the Pine Ridge Indian Reservation, the  
11 Rosebud Indian Reservation, and the Lower  
12 Brule Indian Reservation, including through  
13 compliance with the Act of August 5, 1954  
14 (commonly known as the ‘Indian Sanitation Fa-  
15 cilities Act’) (42 U.S.C. 2001 et seq.).

16 “(D) SECRETARY OF HOUSING AND URBAN  
17 DEVELOPMENT.—The Secretary of Housing and  
18 Urban Development shall assist the Secretary  
19 by carrying out projects to connect houses that  
20 are eligible for funding from the Department of  
21 Housing and Urban Development on the res-  
22 ervations of the Oglala Sioux Tribe, the Rose-  
23 bud Sioux Tribe, and the Lower Brule Sioux  
24 Tribe, through plumbing, water pipes, appur-  
25 tenances, and interconnections to the Oglala

1 Sioux Rural Water Supply System, the Rosebud  
2 Sioux Rural Water System, and the Lower  
3 Brule Sioux Rural Water System, respectively,  
4 to meet the water conservation standards of  
5 those water supply systems.

6 “(3) LIVESTOCK DISTRIBUTION SYSTEMS.—

7 “(A) IN GENERAL.—The Secretary and the  
8 Secretary of Agriculture shall, through the use  
9 of authorities of the Bureau of Indian Affairs  
10 and the Department of Agriculture, respec-  
11 tively, complete, during a period not to exceed  
12 15 years after the date of enactment of this  
13 section, the livestock distribution system for the  
14 Oglala Sioux Rural Water Supply System and  
15 the Rosebud Sioux Rural Water System, con-  
16 sistent with the Final Engineering Report dated  
17 May 1993.

18 “(B) ADMINISTRATION.—For each water  
19 supply system described in subparagraph (A),  
20 the Secretary shall enter into agreements with  
21 the Secretary of Agriculture and the Director of  
22 the Bureau of Indian Affairs that set forth the  
23 specific responsibilities of each agency con-  
24 cerning the construction of the livestock dis-  
25 tribution systems.

1           “(4) LEAD AGENCY.—The Department of the  
2 Interior, acting through the Bureau of Reclamation,  
3 shall act as the lead agency in carrying out this sec-  
4 tion.

5           “(5) ADMINISTRATION.—

6           “(A) IN GENERAL.—Each agency head  
7 shall carry out the duties of the agency head  
8 under this subsection out of amounts made  
9 available to the agency head under annual ap-  
10 propriations and existing authority.

11           “(B) AUTHORIZATION OF USE OF OTHER  
12 FEDERAL AGENCY FUNDS.—Amounts made  
13 available to agencies other than the Bureau of  
14 Reclamation may be used to carry out this Act.

15           “(C) ADDITIONAL FUNDING REQUESTS.—  
16 Nothing in this subsection prohibits the Oglala  
17 Sioux Tribe, the Rosebud Sioux Tribe, or the  
18 Lower Brule Sioux Tribe from applying for,  
19 seeking, or obtaining amounts from the Federal  
20 agencies referred to in paragraph (1) for any  
21 other purpose.

22           “(c) UPGRADING STANDARDS FOR CONNECTING  
23 HOMES.—The Director of the Bureau of Indian Affairs  
24 shall, through the use of existing programs and annual  
25 appropriations, assist the Secretary in completing the Og-



1 lala Sioux Rural Water Supply System, the Rosebud Sioux  
2 Rural Water System, and the Lower Brule Sioux Rural  
3 Water System by constructing, repairing, and upgrading  
4 plumbing fixtures, skirting, and other necessary features,  
5 such as septic tanks and drainfields, to ensure that houses  
6 within the service areas are able to meet the standards  
7 for connecting to those water systems.”.

8 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) PLANNING, DESIGN, AND CONSTRUCTION.—Sec-  
10 tion 10(a) of the Mni Wiconi Project Act of 1988 (Public  
11 Law 100–516; 102 Stat. 2571; 108 Stat. 4545; 116 Stat.  
12 3033; 121 Stat. 1954) is amended—

13 (1) in the first sentence, by striking “and  
14 \$58,800,000 (based on October 1, 1997 price lev-  
15 els)” and inserting “, \$58,800,000 (based on Octo-  
16 ber 1, 1997 price levels), and \$14,308,000 (based on  
17 October 1, 2011 price levels)”;

18 (2) in the second sentence, by striking “2013”  
19 and inserting “2016”; and

20 (3) in the third sentence, by striking “and Oc-  
21 tober 1, 1997 (with respect to the \$58,800,000)”  
22 and inserting “, October 1, 1997 (with respect to  
23 the \$58,800,000), and October 1, 2011 (with respect  
24 to the \$14,308,000)”.

1 (b) OPERATION AND MAINTENANCE OF OGLALA  
 2 SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX  
 3 RURAL WATER SUPPLY SYSTEM, AND LOWER BRULE  
 4 SIOUX WATER SUPPLY SYSTEM.—Section 10(b) of the  
 5 Mni Wiconi Project Act of 1988 (Public Law 100–516;  
 6 102 Stat. 2571; 108 Stat. 4545) is amended—

7 (1) in the first sentence, by striking “There  
 8 are” and inserting the following:

9 “(1) OPERATION AND MAINTENANCE.—

10 “(A) IN GENERAL.—There are”;

11 (2) in the second sentence, by striking “The op-  
 12 eration” and inserting the following:

13 “(B) WEST RIVER AND LYMAN-JONES  
 14 RURAL WATER SYSTEMS.—

15 “(i) IN GENERAL.—The operation”;

16 (3) in the third sentence, by striking “Such  
 17 fee” and inserting the following:

18 “(ii) FEE BASIS.—The fee described  
 19 in clause (i)”;

20 (4) in the fourth sentence, by striking “Such  
 21 operation and maintenance payments” and inserting  
 22 the following:

23 “(iii) ADJUSTMENT OF PAYMENTS.—

24 The operation and maintenance payments  
 25 under this subparagraph”; and

1           (5) by adding after paragraph (1) (as so des-  
2           ignated) the following:

3           “(2) COMMUNITY WATER SYSTEMS UP-  
4           GRADES.—

5                   “(A) IN GENERAL.—Not later than 5 years  
6           after the date of enactment of the Mni Wiconi  
7           Project Act Amendments of 2013, each public  
8           or tribal water system that is in existence on  
9           the date of enactment of this paragraph shall  
10          be transferred to the applicable rural water  
11          supply system, to be held in trust by the United  
12          States for the benefit of the applicable Indian  
13          tribe, on the request of the Oglala Sioux Tribe,  
14          the Rosebud Sioux Tribe, or the Lower Brule  
15          Sioux Tribe, as applicable, and the owner of the  
16          water system.

17                   “(B) IMPROVEMENTS AND REPAIRS AND  
18          REPLACEMENT.—The Secretary shall use  
19          amounts authorized to be appropriated under  
20          paragraph (1) for the improvement, repair, and  
21          replacement of any water system that is trans-  
22          ferred or proposed to be transferred under sub-  
23          paragraph (A).”.

○