

Calendar No. 131

113TH CONGRESS
1ST SESSION

S. 684

[Report No. 113-74]

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

JULY 15, 2013

Reported by Mr. WYDEN, with amendments

[Omit the part struck through and insert the part printed in italic]

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”.

1 **SEC. 2. OTHER AGENCY ASSISTANCE.**

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

5 **“SEC. 3C. PLANS FOR COMPLETING THE OGLALA SIOUX**
6 **RURAL WATER SUPPLY SYSTEM, ROSEBUD**
7 **SIOUX RURAL WATER SYSTEM, AND LOWER**
8 **BRULE SIOUX RURAL WATER SYSTEM.**

9 “(a) PLANS FOR COMPLETION.—

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

18 “(2) CONTENTS.—The plan for each water sup-
19 ply system described in paragraph (1) shall re-
20 quire—

21 “(A) the completion of remaining compo-
22 nents of the applicable system in accordance
23 with the Final Engineering Report dated May
24 1993;

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

1 “(C) the transfer of those existing water
2 systems to the United States, to be held in
3 trust for the Oglala Sioux Tribe, the Rosebud
4 Sioux Tribe, or the Lower Brule Sioux Tribe,
5 as applicable, and made part of the applicable
6 rural water system.

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

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

18 “(B) a report that includes—

19 “(i) a description of the roles and re-
20 sponsibilities of each of the heads of the
21 Federal agencies listed in subsection (b)(1)
22 (including the Commissioner of the Bureau
23 of Reclamation) relating to the completion
24 of the water supply systems, including with
25 respect to the improvement, repair, and re-

1 placement of the existing water systems
2 before and after transfer;

3 “(ii) the program authorities of each
4 Federal agency listed in subsection (b)(1)
5 and a description of how the heads of the
6 Federal agencies will work together to
7 complete and implement the plans; and

8 “(iii) the amount of funding and any
9 other need the Secretary determines to be
10 necessary to complete and implement the
11 plans; and

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

18 “(b) INTERAGENCY AGREEMENTS.—

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

1 “(A) to fulfill the trust responsibility of the
2 United States; and

3 “(B) to complete the Oglala Sioux Rural
4 Water Supply System, the Rosebud Sioux Rural
5 Water System, and the Lower Brule Sioux
6 Rural Water System in accordance with the
7 Final Engineering Report dated May 1993, in-
8 cluding the transfer of existing water systems,
9 *as set forth in the plans for completion developed*
10 *under subsection (a).*

11 “(2) COOPERATION.—

12 “(A) IN GENERAL.—The heads of the Fed-
13 eral agencies described in paragraph (1) shall
14 assist the Secretary in completing the Oglala
15 Sioux Rural Water Supply System, the Rosebud
16 Sioux Rural Water System, and the Lower
17 Brule Sioux Rural Water System pursuant to
18 sections 3(a), 3A(a), and 3B(a), respectively,
19 including by—

20 “(i) improving, repairing, and replac-
21 ing existing water systems as set forth in
22 the plans developed under subsection (a);
23 and

1 “(ii) constructing new rural water fa-
2 cilities, service lines, and other necessary
3 features.

4 “(B) ADMINISTRATOR OF THE ENVIRON-
5 MENTAL PROTECTION AGENCY.—The Adminis-
6 trator of the Environmental Protection Agency
7 shall assist the Secretary in meeting the envi-
8 ronmental and safe drinking water needs of the
9 Pine Ridge Indian Reservation, the Rosebud In-
10 dian Reservation, and the Lower Brule Indian
11 Reservation, including through compliance with
12 the Safe Drinking Water Act (42 U.S.C. 300f
13 et seq.).

14 “(C) SECRETARY OF HEALTH AND HUMAN
15 SERVICES.—The Secretary of Health and
16 Human Services shall assist the Secretary in
17 meeting the water supply and public health
18 needs of the Pine Ridge Indian Reservation, the
19 Rosebud Indian Reservation, and the Lower
20 Brule Indian Reservation, including through
21 compliance with the Act of August 5, 1954
22 (commonly known as the ‘Indian Sanitation Fa-
23 cilities Act’) (42 U.S.C. 2001 et seq.).

24 “(D) SECRETARY OF HOUSING AND URBAN
25 DEVELOPMENT.—The Secretary of Housing and

1 Urban Development shall assist the Secretary
2 by carrying out projects to connect houses that
3 are eligible for funding from the Department of
4 Housing and Urban Development on the res-
5 ervations of the Oglala Sioux Tribe, the Rose-
6 bud Sioux Tribe, and the Lower Brule Sioux
7 Tribe, through plumbing, water pipes, appur-
8 tenances, and interconnections to the Oglala
9 Sioux Rural Water Supply System, the Rosebud
10 Sioux Rural Water System, and the Lower
11 Brule Sioux Rural Water System, respectively,
12 to meet the water conservation standards of
13 those water supply systems.

14 “(3) LIVESTOCK DISTRIBUTION SYSTEMS.—

15 “(A) IN GENERAL.—The Secretary and the
16 Secretary of Agriculture shall, through the use
17 of authorities of the Bureau of Indian Affairs
18 and the Department of Agriculture, respec-
19 tively, complete, during a period not to exceed
20 15 years after the date of enactment of this
21 section, the livestock distribution system for the
22 Oglala Sioux Rural Water Supply System and
23 the Rosebud Sioux Rural Water System, con-
24 sistent with the Final Engineering Report dated
25 May 1993.

1 “(B) ADMINISTRATION.—For each water
2 supply system described in subparagraph (A),
3 the Secretary shall enter into agreements with
4 the Secretary of Agriculture and the Director of
5 the Bureau of Indian Affairs that set forth the
6 specific responsibilities of each agency con-
7 cerning the construction of the livestock dis-
8 tribution systems.

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

13 “(5) ADMINISTRATION.—

14 “(A) IN GENERAL.—Each agency head
15 shall carry out the duties of the agency head
16 under this subsection out of amounts made
17 available to the agency head under annual ap-
18 propriations and existing ~~authority~~ *authorities*.

19 “(B) AUTHORIZATION OF USE OF OTHER
20 FEDERAL AGENCY FUNDS.—Amounts made
21 available to agencies other than the Bureau of
22 Reclamation may *also* be used to carry out this
23 Act.

24 “(C) ADDITIONAL FUNDING REQUESTS.—
25 Nothing in this subsection prohibits the Oglala

1 Sioux Tribe, the Rosebud Sioux Tribe, or the
2 Lower Brule Sioux Tribe from applying for,
3 seeking, or obtaining amounts from the Federal
4 agencies referred to in paragraph (1) for any
5 other purpose.

6 “(c) UPGRADING STANDARDS FOR CONNECTING
7 HOMES.—The Director of the Bureau of Indian Affairs
8 shall, through the use of existing programs and annual
9 appropriations, assist the Secretary in completing the Og-
10 lala Sioux Rural Water Supply System, the Rosebud Sioux
11 Rural Water System, and the Lower Brule Sioux Rural
12 Water System by constructing, repairing, and upgrading
13 plumbing fixtures, skirting, and other necessary features,
14 such as septic tanks and drainfields, to ensure that houses
15 within the service areas are able to meet the standards
16 for connecting to those water systems.”.

17 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) PLANNING, DESIGN, AND CONSTRUCTION.—Sec-
19 tion 10(a) of the Mni Wiconi Project Act of 1988 (Public
20 Law 100–516; 102 Stat. 2571; 108 Stat. 4545; 116 Stat.
21 3033; 121 Stat. 1954) is amended—

22 (1) in the first sentence, by striking “and
23 \$58,800,000 (based on October 1, 1997 price lev-
24 els)” and inserting “, \$58,800,000 (based on Octo-

1 ber 1, 1997 price levels), and \$14,308,000 (based on
2 October 1, 2011 price levels)”;

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

5 (3) in the third sentence, by striking “and Oc-
6 tober 1, 1997 (with respect to the \$58,800,000)”
7 and inserting “, October 1, 1997 (with respect to
8 the \$58,800,000), and October 1, 2011 (with respect
9 to the \$14,308,000)”.

10 (b) OPERATION AND MAINTENANCE OF OGLALA
11 SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX
12 RURAL WATER SUPPLY SYSTEM, AND LOWER BRULE
13 SIOUX WATER SUPPLY SYSTEM.—Section 10(b) of the
14 Mni Wiconi Project Act of 1988 (Public Law 100–516;
15 102 Stat. 2571; 108 Stat. 4545) is amended—

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

18 “(1) OPERATION AND MAINTENANCE.—

19 “(A) IN GENERAL.—There are”;

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

22 “(B) WEST RIVER AND LYMAN-JONES
23 RURAL WATER SYSTEMS.—

24 “(i) IN GENERAL.—The operation”;

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

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

5 (4) in the fourth sentence, by striking “Such
6 operation and maintenance payments” and inserting
7 the following:

8 “(iii) ADJUSTMENT OF PAYMENTS.—
9 The operation and maintenance payments
10 under this subparagraph”; and

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

13 “(2) COMMUNITY WATER SYSTEMS UP-
14 GRADES.—

15 “(A) IN GENERAL.—Not later than 5 years
16 after the date of enactment of the Mni Wiconi
17 Project Act Amendments of 2013, each public
18 or tribal water system that is in existence on
19 the date of enactment of this paragraph shall
20 be transferred to the applicable rural water
21 supply system, to be held in trust by the United
22 States for the benefit of the applicable Indian
23 tribe, on the request of the Oglala Sioux Tribe,
24 the Rosebud Sioux Tribe, or the Lower Brule

1 Sioux Tribe, as applicable, and the owner of the
2 water system.

3 “(A) *IN GENERAL.*—After the date on which
4 public or tribal water systems on the Pine Ridge
5 Indian Reservation, the Rosebud Indian Res-
6 ervation, and the Lower Brule Indian Reserva-
7 tion that are in existence on the date of enact-
8 ment of this paragraph have been brought up to
9 the standards for the water systems established
10 in the plans developed under section 3C(a), but
11 not later than 15 years after the date of enact-
12 ment of this paragraph, title to each of the water
13 systems shall be transferred to the United States,
14 to be held in trust for the benefit of the applica-
15 ble Indian tribe, on the request of the Oglala
16 Sioux Tribe, the Rosebud Sioux Tribe, or the
17 Lower Brule Sioux Tribe, as applicable, and the
18 owner of the water system.

19 “(B) *IMPROVEMENTS AND REPAIRS AND*
20 *REPLACEMENT.*—The Secretary shall use
21 amounts authorized to be appropriated under
22 paragraph (1) for the improvement, repair, and
23 replacement of any water system that is trans-
24 ferred or ~~proposed to be transferred~~ *proposed,*
25 *by request of the owner of the water system, to*

- 1 *be transferred and improved* under subpara-
- 2 graph (A).”.

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S. 684

[Report No. 113-74]

A BILL

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

JULY 15, 2013

Reported with amendments