A BILL

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

S. 2066

Calendar No. 632

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Reported with amendments.
A BILL

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mni Wiconi Act Amendments of 1994".
SEC. 2. REFERENCE.
Whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Mni Wiconi Project Act of 1988 (102 Stat. 2566).

SEC. 3. FINDINGS AND PURPOSES.
(a) FINDINGS.—Section 2(a) is amended—
(1) in paragraph (1), by striking “Reservation” and inserting “Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation”;
(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;
(3) by inserting after paragraph (2) the following new paragraph:
“(3) the lack of water supplies on the Rosebud Reservation and Lower Brule Indian Reservation restrict efforts to promote economic development on those reservations;”;
(4) in paragraph (5), as redesignated by paragraph (2) of this subsection, by striking “Reservation;” and inserting “Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation;”;
and
(5) in paragraph (6), as redesignated by paragraph (2) of this subsection, by inserting “Rosebud
Indian Reservation, and Lower Brule Indian Reservation,” after “Reservation,”.

(b) Purpose.—Section 2(b) is amended by inserting “, Rosebud Indian Reservation, and Lower Brule Indian Reservation” after “Reservation” each place it appears.

Sec. 4. Oglala Sioux Rural Water Supply System.

(a) Authorization.—Section 3(a) is amended—

(1) in the matter preceding paragraph (1), by striking “1988.” and inserting “1988, and as more specifically described in the Final Engineering Report dated May 1993.”; and

(2) by amending paragraph (3) to read as follows:

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

(b) Construction Requirements.—Section 3(d) is amended—

(1) by striking “West River Rural Water System, and” and inserting “West River Rural Water System, the Rosebud Sioux Rural Water System, the Lower Brule Sioux Rural Water System, and”; and
(2) by striking “three systems” and inserting “five systems authorized under this Act”.

(c) Title to System.—Section 3(e) is amended by inserting “or encumbered” after “transferred”.

SEC. 5. WEST RIVER RURAL WATER SYSTEM AND LYMAN-JONES RURAL WATER SYSTEM.

Section 4(a) of the Act is amended—

(1) in paragraph (2), by striking out “65 per centum” and inserting in lieu thereof “80 percent”; and

(2) in paragraph (3), by striking out “35 per centum” and inserting in lieu thereof “20 percent”.

SEC. 56. ROSEBUD SIOUX RURAL WATER SYSTEM AND LOWER BRULE SIOUX RURAL WATER SYSTEM.

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

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

“(a) Authorization.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the Rosebud Sioux Rural Water System, as generally described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993, and the Final Engineering Report for the Mni Wiconi Rural
Water Supply Project dated May 1993. The Rosebud Sioux Rural Water system shall consist of—

“(1) necessary pumping and treatment facilities;

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

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

“(4) distribution and treatment facilities to serve the needs of the Rosebud Indian Reservation, and other areas described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993, including the purchase, improvement and repair of existing water systems (including systems owned by individual tribal members and other residents of the Rosebud Indian Reservation);

“(5) appurtenant buildings and property rights;

“(6) necessary property and property rights;

“(7) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

“(8) such other pipelines, pumping plants, and facilities as the Secretary determines to be necessary
and appropriate to meet the water supply and the economic, public health, and environmental needs of the reservation, including water storage tanks, water lines, and other facilities for the Rosebud Sioux Tribe and reservation villages, towns, and municipalities.

“(b) Agreement With Non-Federal Entity To Plan, Design, Construct, Operate, and Maintain the Rosebud Sioux Rural Water System.—

“(1) In carrying out subsection (a), the Secretary, with the concurrence of the Rosebud Sioux Tribal Council, shall enter into cooperative agreements with the appropriate non-Federal entity or entities for planning, designing, constructing, operating, maintaining, and replacing the Rosebud Sioux Rural Water System.

“(2) Each cooperative agreement entered into under this subsection shall set forth, in a manner acceptable to the Secretary—

“(A) the responsibilities of the parties for—

“(i) needs assessment, feasibility, and environmental studies;

“(ii) engineering and design;

“(iii) construction;
“(iv) water conservation measures;

and

“(v) administration of any contracts

with respect to this subparagraph;

“(B) the procedures and requirements for

approval and acceptance of design and con-

struction; and

“(C) the rights, responsibilities, and liabilities of each party to the agreement.

“(3) Each cooperative agreement may include

provisions for the purchase, improvement, and repair

of existing water systems, including systems owned

by individual tribal members and other residents lo-

cated on the Rosebud Indian Reservation.

“(4) The Secretary may unilaterally terminate

any cooperative agreement entered into pursuant to

this section if the Secretary determines that the

quality of construction does not meet all standards

established for similar facilities constructed by the

Secretary, or that the operation and maintenance of

the system does not meet conditions acceptable to

the Secretary for fulfilling the obligations of the

United States to the Rosebud Sioux Tribe.

“(5) Upon execution of any cooperative agree-

ment authorized under this section, the Secretary
may transfer to the appropriate non-Federal entity, on a nonreimbursable basis, the funds authorized to be appropriated by section 10(a) for the Rosebud Sioux Rural Water System.

“(c) Service Area.—The service area of the Rosebud Sioux Rural Water System shall extend to all of Todd County, South Dakota, and to all other territory and lands generally described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993, and the Final Engineering Report for the Mni Wiconi Rural Water Supply Project dated May 1993.

“(d) Construction Requirements.—The pumping plants, pipelines, treatment facilities, and other appurtenant facilities for the Rosebud Sioux Rural Water System shall be planned and constructed in a size sufficient to meet the municipal, rural, and industrial water supply requirements of the Rosebud Sioux Tribe and the Lyman-Jones Rural Water System, as generally described in the Rosebud Sioux Tribe Municipal, Rural and Industrial Water Needs Assessment, dated July 1993, and the Final Engineering Report for the Mni Wiconi Rural Water Supply Project dated May 1993, taking into account the effects of the conservation plans described in section 5. The Rosebud Rural Sioux Water System and Lyman-Jones Rural Water System may be interconnected and provided
with water service from common facilities. Any joint costs associated with common facilities shall be allocated to the Rosebud Sioux Rural Water System.

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

“(f) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as may be necessary to the Rosebud Sioux Tribe to plan, develop, construct, operate, maintain, and replace the Rosebud Sioux Rural Water System, including operation and management training.

“(g) APPLICATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Planning, design, construction, and operation of the Rosebud Sioux Rural Water System shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

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

“(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the Lower Brule Sioux Rural Water System, as generally described in the Final Engineering Report for the Mni
Wiconi Rural Water Supply Project, dated May 1993. The Lower Brule Sioux Rural Water System shall consist of—

“(1) necessary pumping and treatment facilities;

“(2) pipelines extending from the points of interconnections with the Oglala Sioux Rural Water Supply System to the Lower Brule Indian Reservation;

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

“(4) distribution and treatment facilities to serve the needs of the Lower Brule Indian Reservation, including the purchase, improvement, and repair of existing water systems (including systems owned by individual tribal members and other residents of the Lower Brule Indian Reservation);

“(5) appurtenant buildings and property rights;

“(6) necessary property and property rights;

“(7) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

“(8) such other pipelines, pumping plants, and facilities as the Secretary determines to be necessary and appropriate to meet the water supply and economic, public health, and environmental needs of the
reservation, including water storage tanks, water
lines, and other facilities for the Lower Brule Sioux
Tribe and reservation villages, towns, and munici-
palities.

“(b) AGREEMENT WITH NON-FEDERAL ENTITY TO
PLAN, DESIGN, CONSTRUCT, OPERATE, AND MAINTAIN
THE LOWER BRULE SIOUX RURAL WATER SYSTEM.—

“(1) In carrying out subsection (a), the Sec-
retary, with the concurrence of the Lower Brule
Sioux Tribal Council, shall enter into cooperative
agreements with the appropriate non-Federal entity
or entities for planning, designing, constructing, op-
erating, maintaining, and replacing the Lower Brule
Sioux Rural Water System.

“(2) Each cooperative agreement entered into
under this subsection shall set forth, in a manner
acceptable to the Secretary—

“(A) the responsibilities of the parties
for—

“(i) needs assessment, feasibility, and
environmental studies;
“(ii) engineering and design;
“(iii) construction;
“(iv) water conservation measures;
and
“(v) administration of any contracts with respect to this subparagraph;
“(B) the procedures and requirements for approval and acceptance of design and construction; and
“(C) the rights, responsibilities, and liabilities of each party to the agreement.
“(3) Each cooperative agreement may include provisions for the purchase, improvement, and repair of existing water systems, including systems owned by individual tribal members and other residents located on the Lower Brule Indian Reservation.
“(4) The Secretary may unilaterally terminate any cooperative agreement entered into pursuant to this section if the Secretary determines that the quality of construction does not meet all standards established for similar facilities constructed by the Secretary, or that the operation and maintenance of the system does not meet conditions acceptable to the Secretary for fulfilling the obligations of the United States to the Lower Brule Sioux Tribe.
“(5) Upon execution of any cooperative agreement authorized under this section, the Secretary may transfer to the appropriate non-Federal entity, on a nonreimbursable basis, the funds authorized to
be appropriated by section 10(a) for the Lower Brule Sioux Rural Water System.

“(c) Service Area.—The service area of the Lower Brule Sioux Rural Water System shall be the boundaries of the Lower Brule Indian Reservation.

“(d) Construction Requirements.—The pumping plants, pipelines, treatment facilities, and other appurtenant facilities for the Lower Brule Sioux Rural Water System shall be planned and constructed in a size sufficient to meet the municipal, rural, and industrial water supply requirements of the Lower Brule Sioux Tribe and the Lyman-Jones Rural Water System, as generally described in the Final Engineering Report of the Mni Wiconi Rural Water Supply Project, dated May 1993, taking into account the effects of the conservation plans described in section 5. The Lower Brule Sioux Rural Water System and Lyman-Jones Rural Water System may be interconnected and provided with water service from common facilities. Any joint costs associated with common facilities shall be allocated to the Lower Brule Sioux Rural Water System.

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

"(f) Technical Assistance.—The Secretary shall provide such technical assistance as may be necessary to the Lower Brule Sioux Tribe to plan, develop, construct, operate, maintain, and replace the Lower Brule Sioux Rural Water System, including operation and management training.

"(g) Application of the Indian Self-Determination and Education Assistance Act.—Planning, design, construction, and operation of the Lower Brule Sioux Rural Water System shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).".

SEC. 67. WEST RIVER RURAL WATER SYSTEM AND LYMAN-JONES RURAL WATER SYSTEM.

(a) Service Area.—Section 4(d) is amended by striking the period at the end and inserting "", and the Final Engineering Report dated May 1993.".

(b) Interconnection of Facilities and Waiver of Charges.—Section 4 is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) Interconnection of Facilities and Waiver of Charges.—The Secretary may interconnect the
Lyman-Jones Rural Water System and the West River Rural Water System with each of the other systems authorized under this Act, and to provide for the delivery of water to the West River Rural Water System and Lyman-Jones Rural Water System, without charge or cost, from the Missouri River and through common facilities of the Oglala Sioux Rural Water Supply System, the Rosebud Sioux Rural Water System, and the Lower Brule Rural Water System.”.

SEC. 78. WATER CONSERVATION.

Section 5 is amended by striking “The non-Federal parties (including the Oglala Sioux Tribe)” and inserting “Each non-Federal party (including the Oglala Sioux Tribe, Rosebud Sioux Tribe, and Lower Brule Sioux Tribe)”.

SEC. 89. MITIGATION OF FISH AND WILDLIFE LOSES.

Section 6 is amended—

(1) in subsection (a)—

(A) in the heading, by inserting “Rosebud Sioux Rural Water System, Lower Brule Sioux Rural Water System,” after “Supply System;” and

(B) by inserting “Rosebud Sioux Rural Water System, Lower Brule Sioux Rural Water System,” after “Supply System,”; and
(2) in subsection (b)—

(A) by inserting “, all Indian tribes residing on reservations within the State of South Dakota,” after “South Dakota”; 

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

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

(D) by adding at the end the following: 

“‘The Indian tribes shall be afforded an opportunity to review and concur within any recommendations affecting their reservations before the recommendations are submitted to Congress.’’.

SEC. 9. ESTABLISHMENT OF THE OGLALA SIOUX, ROSEBUD SIOUX, AND LOWER BRULE SIOUX BIO-DIVERSITY TRUSTS.

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

“SEC. 6A. ESTABLISHMENT OF THE OGLALA SIOUX, ROSEBUD SIOUX, AND LOWER BRULE SIOUX BIO-DIVERSITY TRUSTS.

“(a) Authorization.—The Secretary shall make Federal grants to the Oglala Sioux, Rosebud Sioux, and Lower Brule Sioux Bio-Diversity Trusts. The Federal contribution shall not exceed $16,000,000 and shall be paid
in 5 annual installments beginning in fiscal year 1995.

The grants shall be expended as provided in the Final Engineering Report for the Mni Wiconi Rural Water Supply Project, dated May 1993, required by section 3(f) of this Act.

"(b) Eligibility Requirements for Federal Contributions.—Each Trust shall be eligible to receive Federal grants under subsection (a) if the Trust—

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

"(2) is incorporated to select and provide funding to projects that restore, protect, and enhance wildlife and wildlife habitat;

"(3) is under the direction of a Board of Trustees that—

"(A) has the power to manage all the affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust; and

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

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

**(c) Operational Requirements of Bio-Diversity Trusts.—**The Oglala Sioux, Rosebud Sioux, and Lower Brule Sioux Bio-Diversity Trusts shall be deemed to be operating in accordance with this section if the following conditions are met:

**(1) Each Trust shall be operated to select and provide funding to projects that protect, restore, and maintain plant and animal communities and large-scale natural ecosystems in accordance with its corporate purposes. Projects eligible for funding include projects that—**

**(A) reconstitute natural biological diversity that has been diminished;**

**(B) assist the recovery of species populations, communities, and ecosystems that are unable to survive on-site without intervention;**

**(C) allow reintroduction and reoccupation of ecosystems by native flora and fauna;**

**(D) control or eliminate exotic flora and fauna that are damaging natural ecosystems;**

**(E) restore natural habitat for the recruitment and survival of fish, waterfowl, and other wildlife;**
"(F) provide additional conservation values to Indian trust lands;

"(G) add to structural and compositional values of existing preserves or enhance the viability, defensibility, and management of preserves; and

"(H) restore natural hydrological effects including sediment and erosion control, drainage, percolation, and other water quality improvement capacity.

"(2) Each Trust shall be managed in a fiscally responsible fashion by investing in private and public financial vehicles approved by the Secretary with the goal of producing income and preserving principal.

"(3) Trust funds shall be deposited in financial institutions other than those used by the Oglala Sioux Tribe, Rosebud Sioux Tribe, and Lower Brule Sioux Tribe for their general funds where—

"(A) the principal will be inviolate, but income from the principal will be used to accomplish the goals of the trust; and

"(B) expenditures of all funds from each trust account are based on an annual budget approved by the Secretary.
“(4) Not less than 10 percent of the interest earned each year from the principal in each account shall be added to the principal.

“(d) Restriction on Location of Projects To Be Funded by Trust.—Projects eligible for funding under this section must be located within the service areas of the Oglala Sioux Rural Water Supply System, the Rosebud Sioux Rural Water System, or the Lower Brule Sioux Rural Water System.

“(e) Reporting Requirements on Trust.—The Secretary shall annually report on the operation and management of each Trust to the Committee Appropriations, the Committee on Energy and Natural Resources, and the Committee on Indian Affairs of the Senate, and the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives.

“SEC. 6B. ESTABLISHMENT OF THE WEST RIVER AND LYMAN-JONES BIO-DIVERSITY TRUSTS.

“(a) Authorization.—The Secretary shall make a Federal contribution in the form of a Federal grant to the West River and Lyman-Jones Bio-Diversity Trusts. The Federal contribution shall not exceed $9,000,000 and shall be paid in 5 annual installments beginning in fiscal year 1995."
"(b) Eligibility Requirements for Federal Contributions.—The West River and Lyman-Jones Bio-Diversity Trusts shall be eligible to receive Federal contributions pursuant to subsection (a) if they comply with the following requirements:

"(1) Each Trust shall be established and operated as a nonprofit corporation under the laws of the State of South Dakota.

"(2) The corporate purposes of each Trust shall be to select and provide funding to projects that restore, protect, and enhance wildlife and wildlife habitat within the West River and Lyman-Jones service areas described in section 4(d) of this Act.

"(3) Each Trust shall be under the direction of a Board of Trustees having the power to manage all the affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

"(4) The Board of each Trust shall be comprised of not fewer than 3 nor more than 10 persons appointed by the West River Rural Water System and Lyman-Jones Rural Water System recognized in section 4 of this Act.

"(c) Operational Requirements of Trusts.—The West River and Lyman-Jones Bio-Diversity Trusts
shall be deemed to be operating in accordance with this section if the following conditions are met:

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(1) Each Trust shall be operated to select and provide funding to projects that protect, restore, and maintain plant and animal communities and large-scale natural ecosystems in accordance with its corporate purposes. Projects eligible for funding by the Trust include those that—
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(A) reconstitute natural biological diversity that has been diminished;
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(B) assist the recovery of species populations, communities, and ecosystems that are unable to survive on site without intervention;
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(C) allow reintroduction and reoccupation by native flora and fauna;
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(D) control or eliminate exotic flora and fauna that are damaging natural ecosystems;
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(E) restore natural habitat for the recruitment and survival of fish, waterfowl, and other wildlife;
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(F) add to structural and compositional values of existing preserves or enhance the viability, defensibility, and management of preserves; and
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“(G) restore natural hydrological effects
including sediment and erosion control drain-
age, percolation, and other water quality im-
provement capacity.

“(2) Each trust shall be managed in a fiscally
responsible fashion by investing in private and public
financial vehicles approved by the Secretary with the
goal of producing income and preserving principal;
and the principal of each trust will be inviolate, but
income from the principal will be used to accomplish
the goals of the trust.

“(3) Expenditures of all funds from each trust
account shall be based on an annual budget ap-
proved by the Secretary.

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

“(d) Restriction on Location of Projects To
Be Funded by Trusts.—Projects eligible for funding
under this section must be located within the service areas
of the West River Rural Water System and the Lyman-
Jones Rural Water System.

“(e) Reporting Requirements on Trusts.—The
Secretary shall annually report on the operation and man-
agement of each Trust to the Committee on Energy and
Natural Resources and the Committee on Appropriations of the Senate, and the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives.”.

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

Section 7 is amended by inserting “the Rosebud Sioux Rural Water System, the Lower Brule Rural Water Supply System,” after “Supply System,”.

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

Section 8 is amended—

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

and

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

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

Section 10 is amended to read as follows:

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) Planning, Design, and Construction.—There are authorized to be appropriated $263,241,000 for the planning, design, and construction of the Oglala Sioux Rural Water Supply System, the Rosebud Sioux Rural Water System, the Lower Brule Sioux Rural Water System, the West River Rural Water Supply System, and the
Lyman-Jones Rural Water System described in sections 3, 3A, 3B, and 4. Such funds are authorized to be appropriated only through the end of the year 2003. The funds authorized to be appropriated by the first sentence of this section, less any amounts previously obligated for the Systems, may be increased or decreased by such amounts as may be justified by reason of ordinary fluctuations in development costs incurred after October 1, 1992, as indicated by engineering costs indices applicable for the type of construction involved.

“(b) Operation and Maintenance of Oglala Sioux Rural Water Supply System, Rosebud Sioux Rural Water System, and Lower Brule Sioux Rural Water System.—There are authorized to be appropriated such sums as may be necessary for the operation and maintenance of the Oglala Sioux Rural Water Supply System, Rosebud Sioux Rural Water System, and Lower Brule Sioux Rural Water System. The operation and maintenance expenses associated with water deliveries to the West River and Lyman-Jones Rural Water Systems are a non-Federal responsibility and for such deliveries the Secretary shall enter into a contract with the West River and Lyman-Jones Systems for the payment of an annual operation and maintenance fee. Such fee shall be based on the incremental operation and maintenance costs for water
actually delivered each year to the West River and Lyman-Jones Rural Water Systems. Such operation and maintenance payments shall be increased or decreased by such amounts as may be justified by reason of ordinary fluctuations as indicated by indices applicable to comparable regional rural water supply systems for the type of operation and maintenance involved.

"(c) Bio-Diversity Trusts.—There is authorized to be appropriated $26,500,000 for the establishment, operation, and maintenance of the bio-diversity trusts established under sections 6A and 6B of this Act. The Secretary shall utilize $1,500,000 of the funds authorized under this subsection as start-up funds for the trusts. The funds authorized by this subsection may be increased by such amounts as may be justified by reason of ordinary fluctuations in development costs incurred after January 1, 1994.

"(d)(c). Wastewater Disposal Systems Feasibility Studies.—There is authorized to be appropriated such sums as may be necessary to complete the feasibility studies authorized by section 12(c)."

SEC. 13. WATER RIGHTS.

Section 11(5) is amended—

(1) by inserting "rights, benefits, privileges or claims, including" after "affect any";
(2) by inserting “the Rosebud Sioux Tribe, and the Lower Brule Sioux Tribe,” after “Tribe,” the first place it appears;

(3) by striking “the Pine Ridge Indian Reservation” and inserting “their respective reservations”; and

(4) by striking “Tribe,” the second place it appears and inserting “Tribe, the Rosebud Sioux Tribe, the Lower Brule Sioux Tribe,”.

SEC. 14. FEASIBILITY STUDIES.

(a) ALTERNATE USES.—Section 3 of Public Law 97-273, as amended by section 12(b) of the Mni Wiconi Project Act of 1988, is amended by inserting “and all Indian tribes residing on reservations within the State of South Dakota,” after “South Dakota,” the first place it appears.

(b) WASTEWATER DISPOSAL SYSTEMS.—Section 12 is amended by adding at the end the following new subsection:

“(c) WASTEWATER DISPOSAL SYSTEMS.—(1) The Secretary shall, in consultation with the Oglala Sioux Tribe, the Rosebud Sioux Tribe, and the Lower Brule Sioux Tribe, conduct feasibility studies on the need to develop wastewater disposal facilities and systems, and rehabilitate existing wastewater disposal facilities and systems,
on the Pine Ridge Indian Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation, and to report to the Congress the findings of such studies with the recommendations of the Secretary.

“(2) The feasibility studies authorized under this subsection shall be completed and presented to the Congress not later than 1 year after the date that funds are first made available by the Secretary to complete the studies.”

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