

106TH CONGRESS  
1ST SESSION

# H. R. 970

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## AN ACT

To authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

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## AN ACT

To authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Perkins County Rural  
3 Water System Act of 1999”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) in 1977, the North Dakota State Legisla-  
7 ture authorized and directed the State Water Com-  
8 mission to conduct the Southwest Area Water Sup-  
9 ply Study, which included water service to a portion  
10 of Perkins County, South Dakota;

11 (2) amendments made by the Garrison Diver-  
12 sion Unit Reformulation Act of 1986 (Public Law  
13 101–294) authorized the Southwest Pipeline project  
14 as an eligible project for Federal cost share partici-  
15 pation; and

16 (3) the Perkins County Rural Water System  
17 has continued to be recognized by the State of North  
18 Dakota, the Southwest Water Authority, the North  
19 Dakota Water Commission, the Department of the  
20 Interior, and Congress as a component of the South-  
21 west Pipeline Project.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) CORPORATION.—The term “Corporation”  
25 means the Perkins County Rural Water System,  
26 Inc., a nonprofit corporation established and oper-

1       ated under the laws of the State of South Dakota  
2       substantially in accordance with the feasibility study.

3           (2) FEASIBILITY STUDY.—The term “feasibility  
4       study” means the study entitled “Feasibility Study  
5       for Rural Water System for Perkins County Rural  
6       Water System, Inc.”, as amended in March 1995.

7           (3) PROJECT CONSTRUCTION BUDGET.—The  
8       term “project construction budget” means the de-  
9       scription of the total amount of funds that are need-  
10      ed for the construction of the water supply system,  
11      as described in the feasibility study.

12          (4) PUMPING AND INCIDENTAL OPERATIONAL  
13      REQUIREMENTS.—The term “pumping and inci-  
14      dental operational requirements” means all power  
15      requirements that are incidental to the operation of  
16      the water supply system by the Corporation.

17          (5) SECRETARY.—The term “Secretary” means  
18      the Secretary of the Interior, acting through the  
19      Commissioner of the Bureau of Reclamation.

20          (6) WATER SUPPLY SYSTEM.—The term “water  
21      supply system” means intake facilities, pumping sta-  
22      tions, water treatment facilities, cooling facilities,  
23      reservoirs, and pipelines operated by the Perkins  
24      County Rural Water System, Inc., to the point of

1 delivery of water to each entity that distributes  
2 water at retail to individual users.

3 **SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYS-**  
4 **TEM.**

5 (a) IN GENERAL.—The Secretary shall make grants  
6 to the Corporation for the Federal share of the costs of—

7 (1) the planning and construction of the water  
8 supply system; and

9 (2) repairs to existing public water distribution  
10 systems to ensure conservation of the resources and  
11 to make the systems functional under the new water  
12 supply system.

13 (b) LIMITATION ON AVAILABILITY OF CONSTRU-  
14 TION FUNDS.—The Secretary shall not obligate funds for  
15 the construction of the water supply system until—

16 (1) the requirements of the National Environ-  
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
18 are met with respect to the water supply system;  
19 and

20 (2) a final engineering report and a plan for a  
21 water conservation program have been prepared and  
22 submitted to Congress for a period of not less than  
23 90 days before the commencement of construction of  
24 the system.

1 **SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.**

2 Mitigation of fish and wildlife losses incurred as a  
3 result of the construction and operation of the water sup-  
4 ply system shall be on an acre-for-acre basis, based on eco-  
5 logical equivalency, concurrent with project construction,  
6 as provided in the feasibility study.

7 **SEC. 6. USE OF PICK-SLOAN POWER.**

8 For operation during the period beginning May 1 and  
9 ending October 31 of each year, portions of the water sup-  
10 ply system constructed with assistance under this Act shall  
11 be eligible to utilize power from the Pick-Sloan Missouri  
12 Basin Program established by section 9 of the Act of De-  
13 cember 22, 1944 (Chapter 665; 58 Stat. 887), popularly  
14 known as the Flood Control Act of 1944.

15 **SEC. 7. FEDERAL SHARE.**

16 The Federal share under section 4 shall be 75 percent  
17 of—

18 (1) the amount allocated in the total project  
19 construction budget for the planning and construc-  
20 tion of the water supply system under section 4; and

21 (2) such sums as are necessary to defray in-  
22 creases in development costs reflected in appropriate  
23 engineering cost indices after March 1, 1995.

24 **SEC. 8. NON-FEDERAL SHARE.**

25 The non-Federal share under section 4 shall be 25  
26 percent of—

1           (1) the amount allocated in the total project  
2           construction budget for the planning and construc-  
3           tion of the water supply system under section 4; and

4           (2) such sums as are necessary to defray in-  
5           creases in development costs reflected in appropriate  
6           engineering cost indices after March 1, 1995.

7   **SEC. 9. CONSTRUCTION OVERSIGHT.**

8           (a) AUTHORIZATION.—At the request of the Corpora-  
9           tion, the Secretary may provide to the Corporation assist-  
10          ance in overseeing matters relating to construction of the  
11          water supply system.

12          (b) PROJECT OVERSIGHT ADMINISTRATION.—The  
13          amount of funds used by the Secretary for planning and  
14          construction of the water supply system may not exceed  
15          an amount equal to 3 percent of the amount provided in  
16          the total project construction budget for the portion of the  
17          project to be constructed in Perkins County, South Da-  
18          kota.

19   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20          There are authorized to be appropriated to the  
21          Secretary—

22               (1) \$15,000,000 for the planning and construc-  
23          tion of the water supply system under section 4; and

1           (2) such sums as are necessary to defray in-  
2       creases in development costs reflected in appropriate  
3       engineering cost indices after March 1, 1995.

      Passed the House of Representatives October 26,  
1999.

Attest:

*Clerk.*