112TH CONGRESS
2D SESSION

S. 3464

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

JULY 31, 2012

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mni Wiconi Project Act Amendments of 2012”.

SEC. 2. CLARIFICATION.

Section 2(b)(1) of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2566; 108 Stat. 4539) is amended by striking “in South Dakota”.

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SEC. 3. OGLALA SIOUX RURAL WATER SUPPLY SYSTEM.

(a) Service Area.—Section 3(c) of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2568) is amended by inserting “, including the tract of land in the State of Nebraska set aside as part of the Pine Ridge Indian Reservation by the Executive order dated February 20, 1904” before the period at the end.

(b) Other Agency Assistance.—Section 3 of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2568; 106 Stat. 4661; 108 Stat. 4539) is amended by adding at the end the following:

“(i) Plan for Completing the Oglala Sioux Rural Water Supply System.—

“(1) In general.—In carrying out paragraphs (4) and (8) of subsection (a) and subsection (b)(3), the Secretary shall develop, in consultation with the Oglala Sioux Tribe and the Federal agencies listed in subsection (j), a plan for completing the Oglala Sioux Rural Water Supply System, including the improvement, repair, and replacement of existing water systems on the Pine Ridge Indian Reservation and the transfer of those systems to the United States to be held in trust for the Oglala Sioux Tribe and made part of the Oglala Sioux Rural Water Supply System.
“(2) CONTENTS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the plan described in paragraph (1), which shall include—

“(A) a schedule for full implementation of the plan;

“(B) a report that includes—

“(i) a description of the roles and responsibilities of the Federal agencies referred to in subsection (j) (including the Bureau of Reclamation) for completing the improvement, repair, and replacement of the existing water systems;

“(ii) the program authorities of each Federal agency and a description of how those agencies will work together to complete and implement the plan; and

“(iii) the funding requirements and other needs necessary to complete and implement the plan; and

“(C) as applicable, a description of the roles and responsibilities of other Federal agen-
cies that have existing authorities to provide assistance to the Oglala Sioux Tribe.

“(j) INTERAGENCY AGREEMENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, after the date on which the Secretary submits the plan under subsection (i) to Congress, the Secretary shall enter into agreements with the agency heads described in paragraph (4) to fulfill the trust responsibility of the United States and complete the Oglala Sioux Rural Water Supply System in accordance with the Final Engineering Report dated May 1993, including the transfer of existing systems.

“(2) LEAD AGENCY.—The Department of the Interior, acting through the Bureau of Reclamation, shall act as the lead agency in carrying out this section.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—Each agency head described in paragraph (4) shall carry out the duties of the agency head under this subsection out of amounts made available to the agency head under annual appropriations and existing programmatic authority.
“(B) ADDITIONAL FUNDING REQUESTS.—

Nothing in this subsection prohibits the Oglala Sioux Tribe from applying for, seeking, or obtaining amounts from the agency heads described in paragraph (4) for any other purpose.

“(4) AGENCY RESPONSIBILITIES.—The agency heads referred to in this subsection are—

“(A) the Administrator of the Environmental Protection Agency, who shall assist the Secretary in—

“(i) meeting the environmental and safe drinking water needs of the Pine Ridge Indian Reservation, including complying with the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

“(ii) completing the Oglala Sioux Rural Water Supply System, including by—

“(I) improving and repairing existing water systems as set forth in the plan under subsection (i); and

“(II) constructing new rural water facilities, service lines, and other necessary features;
“(B) the Secretary of Agriculture, who, through the rural development program and other applicable programs of the Department, shall assist the Secretary in completing the Og-lala Sioux Rural Water Supply System, including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (i); and

“(ii) constructing new rural water fa-cilities, service lines, and other necessary features;

“(C) the Secretary of Health and Human Services, who, acting through the Director of the Indian Health Service, shall assist the Sec- retary in meeting the water supply and public health needs of the Pine Ridge Indian Reserva- tion under subsection (a)(8), including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (i);

“(ii) constructing new rural water fa-cilities, service lines, and other necessary features; and
“(iii) complying with the Act of August 5, 1954 (commonly known as the Indian Sanitation Facilities Act’) (68 Stat. 674); and

“(D) the Secretary of Housing and Urban Development, who shall assist the Secretary in completing the Oglala Sioux Rural Water Supply System pursuant to subsection (a)(8), including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (i); and

“(ii) completing the plumbing, water pipes, appurtenances, and interconnections of houses to the Oglala Sioux Rural Water Supply System to meet the water conservation standards of the system.

“(k) Upgrading Standards for Connecting Homes.—The Director of the Bureau of Indian Affairs shall, through the use of existing programs and annual appropriations, assist the Secretary in completing the Oglala Sioux Rural Water Supply System by constructing, repairing, and upgrading plumbing fixtures, skirting, and other necessary features, such as septic tanks and drainfields, to ensure that houses within the service area
are able to meet the standards for connecting to the Oglala Sioux Rural Water Supply System.

“(1) LIVESTOCK DISTRIBUTION SYSTEM.—

“(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall, through the use of the water resources development authorities of the Bureau of Indian Affairs and the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), respectively, complete, during a period not to exceed 15 years, the livestock distribution system for the Oglala Sioux Rural Water Supply System consistent with the Final Engineering Report dated May 1993.

“(2) REQUIREMENTS.—In carrying out this subsection—

“(A) the Department of the Interior shall serve as the lead agency;

“(B) the Secretary and the Secretary of Agriculture shall enter into an interagency agreement that sets forth the specific responsibilities of each agency concerning the construction of the livestock distribution system; and
“(C) the Natural Resources Conservation Service and the Bureau of Indian Affairs shall carry out the respective duties of the agencies under this subsection out of amounts made available to the respective agencies under annual appropriations and existing programmatic authority.”.

SEC. 4. ROSEBUD SIOUX RURAL WATER SYSTEM.

Section 3A of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 108 Stat. 4540) is amended by adding at the end the following:

“(h) PLAN FOR COMPLETING THE ROSEBUD SIOUX RURAL WATER SUPPLY SYSTEM.—

“(1) IN GENERAL.—In carrying out paragraphs (4) and (8) of subsection (a) and subsection (b)(3), the Secretary shall develop, in consultation with the Rosebud Sioux Tribe and the Federal agencies listed in subsection (i), a plan for completing the Rosebud Sioux Rural Water Supply System, including the improvement, repair, and replacement of existing water systems on the Rosebud Indian Reservation and the transfer of those systems to the United States to be held in trust for the Rosebud Sioux Tribe and made part of the Rosebud Sioux Rural Water Supply System.
“(2) CONTENTS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the plan described in paragraph (1), which shall include—

“(A) a schedule for full implementation of the plan;

“(B) a report that includes—

“(i) a description of the roles and responsibilities of the Federal agencies referred to in subsection (i) (including the Bureau of Reclamation) for completing the improvement, repair, and replacement of the existing water systems;

“(ii) the program authorities of each Federal agency and a description of how those agencies will work together to complete and implement the plan; and

“(iii) the funding requirements and other needs necessary to complete and implement the plan; and

“(C) as applicable, a description of the roles and responsibilities of other Federal agen-
cies that have existing authorities to provide assistance to the Rosebud Sioux Tribe.

“(i) **INTERAGENCY AGREEMENTS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, after the date on which the Secretary submits the plan under subsection (h) to Congress, the Secretary shall enter into agreements with the agency heads described in paragraph (4) to fulfill the trust responsibility of the United States and complete the Rosebud Sioux Rural Water Supply System in accordance with the Final Engineering Report dated May 1993, including the transfer of existing systems.

“(2) **LEAD AGENCY.**—The Department of the Interior, acting through the Bureau of Reclamation, shall act as the lead agency in carrying out this section.

“(3) **ADMINISTRATION.**—

“(A) **IN GENERAL.**—Each agency head described in paragraph (4) shall carry out the duties of the agency head under this subsection out of amounts made available to the agency head under annual appropriations and existing programmatic authority.
“(B) ADDITIONAL FUNDING REQUESTS.—

Nothing in this subsection prohibits the Rosebud Sioux Tribe from applying for, seeking, or obtaining amounts from the agency heads described in paragraph (4) for any other purpose.

“(4) AGENCY RESPONSIBILITIES.—The agency heads referred to in this subsection are—

“(A) the Administrator of the Environmental Protection Agency, who shall assist the Secretary in—

“(i) meeting the environmental and safe drinking water needs of the Rosebud Indian Reservation, including complying with the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

“(ii) completing the Rosebud Sioux Rural Water Supply System, including by—

“(I) improving and repairing existing water systems as set forth in the plan under subsection (h); and

“(II) constructing new rural water facilities, service lines, and other necessary features;
“(B) the Secretary of Agriculture, who, through the rural development program and other applicable programs of the Department, shall assist the Secretary in completing the Rosebud Sioux Rural Water Supply System, including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (h); and

“(ii) constructing new rural water facilities, service lines, and other necessary features;

“(C) the Secretary of Health and Human Services, who, acting through the Director of the Indian Health Service, shall assist the Secretary in meeting the water supply and public health needs of the Rosebud Indian Reservation under subsection (a)(8), including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (h);

“(ii) constructing new rural water facilities, service lines, and other necessary features; and
“(iii) complying with the Act of August 5, 1954 (commonly known as the ‘Indian Sanitation Facilities Act’) (68 Stat. 674); and

“(D) the Secretary of Housing and Urban Development, who shall assist the Secretary in completing the Rosebud Sioux Rural Water Supply System pursuant to subsection (a)(8), including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (h); and

“(ii) completing the plumbing, water pipes, appurtenances, and interconnections of houses to the Rosebud Sioux Rural Water Supply System to meet the water conservation standards of the system.

“(j) Upgrading Standards for Connecting Homes.—The Director of the Bureau of Indian Affairs shall, through the use of existing programs and annual appropriations, assist the Secretary in completing the Rosebud Sioux Rural Water Supply System by constructing, repairing, and upgrading plumbing fixtures, skirting, and other necessary features, such as septic tanks and drainfields, to ensure that houses within the
service area are able to meet the standards for connecting
to the Rosebud Sioux Rural Water Supply System.

“(k) LIVESTOCK DISTRIBUTION SYSTEM.—

“(1) IN GENERAL.—The Secretary and the Sec-
retary of Agriculture shall, through the use of the
water resources development authorities of the Bu-
reau of Indian Affairs and the environmental quality
incentives program established under chapter 4 of
subtitle D of title XII of the Food Security Act of
1985 (16 U.S.C. 3839aa et seq.), respectively, com-
plete, during a period not to exceed 15 years, the
livestock distribution system for the Rosebud Sioux
Rural Water Supply System consistent with the

“(2) REQUIREMENTS.—In carrying out this
subsection—

“(A) the Department of the Interior shall
serve as the lead agency;

“(B) the Secretary and the Secretary of
Agriculture shall enter into an interagency
agreement that sets forth the specific respon-
sibilities of each agency concerning the con-
struction of the livestock distribution system;
and
“(C) the Natural Resources Conservation Service and the Bureau of Indian Affairs shall carry out the respective duties of the agencies under this subsection out of amounts made available to the respective agencies under annual appropriations and existing programmatic authority.”.

SEC. 5. LOWER BRULE SIOUX RURAL WATER SYSTEM.

Section 3B of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 108 Stat. 4542) is amended by adding at the end the following:

“(h) PLAN FOR COMPLETING THE LOWER BRULE SIOUX RURAL WATER SUPPLY SYSTEM.—

“(1) IN GENERAL.—In carrying out paragraphs (4) and (8) of subsection (a) and subsection (b)(3), the Secretary shall develop, in consultation with the Lower Brule Sioux Tribe and the Federal agencies listed in subsection (i), a plan for completing the Lower Brule Sioux Rural Water Supply System, including the improvement, repair, and replacement of existing water systems on the Lower Brule Indian Reservation and the transfer of those systems to the United States to be held in trust for the Lower Brule Sioux Tribe and made part of the Lower Brule Sioux Rural Water Supply System.
“(2) CONTENTS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the plan described in paragraph (1), which shall include—

“(A) a schedule for full implementation of the plan;

“(B) a report that includes—

““(i) a description of the roles and responsibilities of the Federal agencies referred to in subsection (i) (including the Bureau of Reclamation) for completing the improvement, repair, and replacement of the existing water systems;

““(ii) the program authorities of each Federal agency and a description of how those agencies will work together to complete and implement the plan; and

““(iii) the funding requirements and other needs necessary to complete and implement the plan; and

“(C) as applicable, a description of the roles and responsibilities of other Federal agen-
cies that have existing authorities to provide assistance to the Lower Brule Sioux Tribe.

“(i) INTERAGENCY AGREEMENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, after the date on which the Secretary submits the plan under subsection (h) to Congress, the Secretary shall enter into agreements with the agency heads described in paragraph (4) to fulfill the trust responsibility of the United States and complete the Lower Brule Sioux Rural Water Supply System in accordance with the Final Engineering Report dated May 1993, including the transfer of existing systems.

“(2) LEAD AGENCY.—The Department of the Interior, acting through the Bureau of Reclamation, shall act as the lead agency in carrying out this section.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—Each agency head described in paragraph (4) shall carry out the duties of the agency head under this subsection out of amounts made available to the agency head under annual appropriations and existing programmatic authority.
“(B) ADDITIONAL FUNDING REQUESTS.—

Nothing in this subsection prohibits the Lower
Brule Sioux Tribe from applying for, seeking,
or obtaining amounts from the agency heads
described in paragraph (4) for any other pur-
pose.

“(4) AGENCY RESPONSIBILITIES.—The agency
heads referred to in this subsection are—

“(A) the Administrator of the Environ-
mental Protection Agency, who shall assist the
Secretary in—

“(i) meeting the environmental and
safe drinking water needs of the Lower
Brule Indian Reservation, including com-
plying with the Safe Drinking Water Act
(42 U.S.C. 300f et seq.); and

“(ii) completing the Lower Brule
Sioux Rural Water Supply System, includ-
ing by—

“(I) improving and repairing ex-
isting water systems as set forth in
the plan under subsection (h); and

“(II) constructing new rural
water facilities, service lines, and
other necessary features;
“(B) the Secretary of Agriculture, who, through the rural development program and other applicable programs of the Department, assist the Secretary in completing the Lower Brule Sioux Rural Water Supply System, including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (h); and

“(ii) constructing new rural water facilities, service lines, and other necessary features;

“(C) the Secretary of Health and Human Services, who, acting through the Director of the Indian Health Service, shall assist the Secretary in meeting the water supply and public health needs of the Lower Brule Indian Reservation under subsection (a)(8), including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (h);

“(ii) constructing new rural water facilities, service lines, and other necessary features; and
“(iii) complying with the Act of August 5, 1954 (commonly known as the ‘Indian Sanitation Facilities Act’) (68 Stat. 674); and

“(D) the Secretary of Housing and Urban Development, who shall assist the Secretary in completing the Lower Brule Sioux Rural Water Supply System pursuant to subsection (a)(8), including by—

“(i) improving and repairing existing water systems as set forth in the plan under subsection (h); and

“(ii) completing the plumbing, water pipes, appurtenances, and interconnections of houses to the Lower Brule Sioux Rural Water Supply System to meet the water conservation standards of the system.

“(j) Upgrading Standards for Connecting Homes.—The Director of the Bureau of Indian Affairs shall, through the use of existing programs and annual appropriations, assist the Secretary in completing the Lower Brule Sioux Rural Water Supply System by constructing, repairing, and upgrading plumbing fixtures, skirting, and other necessary features, such as septic tanks and drainfields, to ensure that houses within the
service area are able to meet the standards for connecting to the Lower Brule Sioux Rural Water Supply System.”.

SEC. 6. MITIGATION OF FISH AND WILDLIFE LOSSES.

Section 6 of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2570; 108 Stat. 4544) is amended by striking subsection (b) and inserting the following:

“(b) Oahe, Big Bend, and Fort Randall Dams and Reservoirs.—

“(1) In general.—The Secretary, in cooperation with the State of South Dakota, all Indian tribes residing on reservations within the State of South Dakota, and other Federal agencies, shall develop and submit to Congress not later than January 2014, recommendations for financing and implementing mitigation plans for—

“(A) fish and wildlife and terrestrial losses, including the loss of Native American cultural resources, human remains, ceremonial plants and herbs, gathering rights, access to sacred sites, and other usufructuary rights, resulting from the construction and operation of the Oahe Dam and Reservoir, Big Bend Dam and Reservoir, and Fort Randall Dam and Reservoir; and
“(B) fish and wildlife and terrestrial losses and any impacts to groundwater resulting from the construction and operation of the dams and reservoirs on the Missouri River tributaries within the State of South Dakota.

“(2) ADMINISTRATION.—In carrying out this section—

“(A) the Secretary shall—

“(i) issue regulations that set forth procedures for meaningful consultation with the Indian tribes concerning the preservation and protection of Native American cultural resources, human remains, ceremonial plants and herbs, gathering rights, and access to sacred sites; and

“(ii) provide the Indian tribes with the opportunity to participate and concur in the development of the recommendations described in paragraph (1) before the Secretary submits the recommendations to Congress; and

“(B) the Chief of Engineers, the Director of the National Park Service, and the Director of the United States Fish and Wildlife Service shall, at the request of the Secretary, provide
any assistance the Secretary requires in preparing and completing the recommendations described in paragraph (1).”.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**


(1) in the first sentence, by striking “and $58,800,000 (based on October 1, 1997, price levels)” and inserting “, $58,800,000 (based on October 1, 1997, price levels), and $14,308,000 (based on October 1, 2011, price levels)”;

(2) in the second sentence, by striking “2013” and inserting “2015”; and

(3) in the third sentence, by striking “and October 1, 1997 (with respect to the $58,800,000)” and inserting “, October 1, 1997 (with respect to the $58,800,000), and October 1, 2011 (with respect to the $14,308,000)”.

(b) **Operation and Maintenance of Oglala Sioux Rural Water Supply System, Rosebud Sioux Rural Water Supply System and Lower Brule Sioux Water Supply System.**—Section 10(b) of the

(1) in the first sentence, by striking “There are” and all that follows through the end of the sentence and inserting the following:

“(1) OPERATION AND MAINTENANCE.—

“(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary for the operation and maintenance of the Oglala Sioux Rural Water Supply System, Rosebud Sioux Rural Water Supply System, and Lower Brule Sioux Rural Water Supply System and for reimbursement to the city of White River, South Dakota for operation and maintenance costs for the provision of water to service connections in that city that are located on trust land of the Rosebud Sioux Tribe or members of the Rosebud Sioux Tribe.”;

(2) in the second sentence, by striking “The operation” and inserting the following:

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

“(i) IN GENERAL.—The operation”;

(3) in the third sentence, by striking “Such fee” and inserting the following:
“(ii) Fee Basis.—The fee described in clause (i)”;

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

“(iii) Adjustment of Payments.—
The operation and maintenance payments under this subparagraph”;

(5) by adding after paragraph (1) (as so designated) the following:

“(2) Community Upgrades.—
“(A) In General.—Public or tribal water systems that are in existence on the date of enactment of this paragraph shall be transferred to the respective rural water supply system at the request of the applicable Indian tribe and the owner of the water system.

“(B) Operation and Maintenance.—
The operation and maintenance amounts authorized for the water systems described in subparagraph (A) shall be supplemented and used for the improvement, repair, and replacement of those systems, as determined by the Secretary pursuant to sections 3(i)(2)(B)(iii), 3A(h)(2)(B)(iii), and 3B(h)(2)(B)(iii), after the
date on which those systems are interconnected and transferred to the respective rural water supply system pursuant to sections 3(a)(4), 3A(a)(4), and 3B(a)(4).

“(C) INITIAL IMPROVEMENTS AND REPAIRS.—Initial improvement and repairs of the transferred systems described in subparagraph (A) shall be completed in accordance with the plans under sections 3(i), 3A(h) and 3B(h).”.

SEC. 8. WASTE WATER DISPOSAL SYSTEMS.

Section 12(c) of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2572; 108 Stat. 4546) is amended—

(1) by striking “(1) The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) by striking “(2) The feasibility” and inserting the following:

“(2) FEASIBILITY STUDIES.—The feasibility”;

and

(3) by adding at the end the following:

“(3) UPDATES TO FEASIBILITY STUDIES.—

“(A) IN GENERAL.—Beginning for fiscal year 2012, the feasibility studies under this subsection shall be updated and completed by
the Oglala Sioux Tribe, the Rosebud Sioux
Tribe, and the Lower Brule Sioux Tribe, in
consultation with the Secretary, the Adminis-
trator of the Environmental Protection Agency,
the Chief of Engineers, the Director of the In-
dian Health Service, the Administrator of the
Rural Housing Service, and the Administrator
of the Economic Development Administration.

“(B) SUBMISSION.—For each feasibility
study updated under subparagraph (A), the
Secretary shall, not later than 1 year after the
date of enactment of this paragraph, submit to
the Committee on Energy and Natural Re-
sources of the Senate and the Committee on
Natural Resources of the House of Representa-
tives, a copy of the updated feasibility study,
which shall address—

“(i) the rural, municipal, and indus-
trial waste water disposal facilities and
systems needs of the applicable reserva-
tion;

“(ii) any deficiency assessments of the
existing waste water disposal facilities and
systems;
“(iii) cost estimates for construction of new facilities and systems and rehabilitating existing systems; and
“(iv) cost estimates for the operation, maintenance, and replacement of the waste water disposal facilities and systems.”.

SEC. 9. MNI WICONI PROJECT EMERGENCY ASSISTANCE PLANNING ACT.

(a) AMENDMENTS.—The Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2566) is amended by adding at the end the following:

“TITLE II—MNI WICONI PROJECT EMERGENCY ASSISTANCE PLANNING ACT

“SEC. 201. SHORT TITLE.

“This title may be cited as the ‘Mni Wiconi Project Emergency Assistance Planning Act of 2012’.

“SEC. 202. FINDINGS; PURPOSE.

“(a) FINDINGS.—Congress finds that—
“(1) substantial amounts of Federal funds have been expended and will be expended on the planning, design, construction, operation, maintenance, and replacement of the Mni Wiconi Project Rural Water Systems for Indian tribes in fulfillment of tribal treaties and agreements and Federal law recognizing
the trust responsibility and obligation of the United States to protect Indian tribes;

“(2) the Mni Wiconi Project Rural Water Systems have been constructed, or will be constructed, pursuant to this Act;

“(3) the Mni Wiconi Project Rural Water Systems, or portions of the Mni Wiconi Project Rural Water Systems, have been paid for by the Secretary out of amounts authorized and appropriated by Congress;

“(4) no plan exists for providing emergency funding to the Mni Wiconi Project Rural Water Systems in the event of a major breakdown of 1 or more of the Systems; and

“(5) the Secretaries shall develop a congressionally approved plan to meet the needs of the Mni Wiconi Project Rural Water Systems in emergency situations involving a major breakdown of a rural water system.

“(b) PURPOSE.—The purpose of this title is to direct the Secretaries to develop a comprehensive plan to fund and rehabilitate each rural water system authorized and funded by Congress under this Act.

“SEC. 203. DEFINITIONS.

“In this title:
“(1) MNI WICONI PROJECT RURAL WATER SYSTEMS.—The term ‘Mni Wiconi Project Rural Water Systems’ means—

“(A) the Oglala Sioux Rural Water Supply System;

“(B) the Rosebud Sioux Rural Water Supply System;

“(C) the Lower Brule Sioux Rural Water Supply System; and

“(D) the West River and Lyman-Jones Rural Water Systems.

“(2) SECRETARIES.—The term ‘Secretaries’ means—

“(A) the Secretary of the Interior;

“(B) the Secretary of Defense; and

“(C) the Secretary of Homeland Security.

“SEC. 204. MNI WICONI PROJECT RURAL WATER SYSTEMS EMERGENCY PLAN.

“(a) IN GENERAL.—The Secretaries shall develop and implement a 5-year plan to meet the needs of the Mni Wiconi Project Rural Water Systems in emergency situations that include—

“(1) an event that threatens the security of the Mni Wiconi Project Rural Water Systems;

“(2) a natural or manmade disaster; and
“(3) an act of terrorism.

“(b) CONTENTS.—Not later than January 1, 2014, the Secretaries, in consultation with the Indian tribes who own or have an interest in the Mni Wiconi Project Rural Water Systems, shall develop the plan described in subsection (a), which, at a minimum, shall include—

“(1) an assessment of the emergency management needs of each rural water system in the Mni Wiconi Project Rural Water Systems;

“(2) a description of the procedures for responding to emergency needs;

“(3) the classification of emergencies in the plan; and

“(4) a description of the manner in which the emergency fund established by section 205 will be assessed to pay for the costs of emergencies.

“(c) UPDATES.—The Secretaries shall update the plan annually.

“SEC. 205. MNI WICONI PROJECT EMERGENCY ASSISTANCE FUND.

“(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the ‘Mni Wiconi Emergency Assistance Fund’ (referred to in this section as the ‘Fund’), to be administered by the Secretary of the Interior, to be available with-
out fiscal year limitation and subject to appropriation, to
carry out this title.

“(b) TRANSFERS TO FUND.—The Fund shall consist
of such amounts as are appropriated to the Fund.

“(c) PROHIBITION.—Amounts in the Fund may not
be made available for any purpose other than a purpose
described in subsection (a).

“(d) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not later than 60 days
after the end of each fiscal year beginning with fis-
cal year 2013, the Secretary of the Interior shall
submit to the Committee on Appropriations of the
House of Representatives, the Committee on Approp-
riations of the Senate, and authorizing committees
a report on the operation of the Fund during the fis-
cal year.

“(2) CONTENTS.—Each report shall include, for
the fiscal year covered by the report, the following:

“(A) A statement of the amounts deposited
into the Fund.

“(B) A description of the expenditures
made from the Fund for the fiscal year, includ-
ing the purpose of the expenditures.

“(C) Recommendations for additional au-
thorities to fulfill the purpose of the Fund.
“(D) A statement of the balance remaining
in the Fund at the end of the fiscal year.”.

(b) SEPARATE APPROPRIATIONS ACCOUNT.—Section
1105(a) of title 31, United States Code is amended—

(1) by redesignating the second paragraph (37)
(relating to a list of plans and reports) as paragraph
(39); and

(2) by adding at the end the following:
“(40) a separate statement for the Mni Wiconi
Emergency Assistance Fund established under sec-
tion 205 of the Mni Wiconi Project Emergency As-
sistance Planning Act of 2012, which shall include
the estimated amount of deposits into the Fund, ob-
ligations, and outlays from the Fund.”.

(c) CONFORMING AMENDMENT.—The Mni Wiconi
2566) is amended by inserting before the first section the
following:

“TITLE I—MNI WICONI PROJECT
ACT”.