

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.

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 2012”.

6 **SEC. 2. CLARIFICATION.**

7 Section 2(b)(1) of the Mni Wiconi Project Act of
8 1988 (Public Law 100–516; 102 Stat. 2566; 108 Stat.
9 4539) is amended by striking “in South Dakota”.

1 **SEC. 3. OGLALA SIOUX RURAL WATER SUPPLY SYSTEM.**

2 (a) SERVICE AREA.—Section 3(c) of the Mni Wiconi
3 Project Act of 1988 (Public Law 100–516; 102 Stat.
4 2568) is amended by inserting “, including the tract of
5 land in the State of Nebraska set aside as part of the
6 Pine Ridge Indian Reservation by the Executive order
7 dated February 20, 1904” before the period at the end.

8 (b) OTHER AGENCY ASSISTANCE.—Section 3 of the
9 Mni Wiconi Project Act of 1988 (Public Law 100–516;
10 102 Stat. 2568; 106 Stat. 4661; 108 Stat. 4539) is
11 amended by adding at the end the following:

12 “(i) PLAN FOR COMPLETING THE OGLALA SIOUX
13 RURAL WATER SUPPLY SYSTEM.—

14 “(1) IN GENERAL.—In carrying out paragraphs
15 (4) and (8) of subsection (a) and subsection (b)(3),
16 the Secretary shall develop, in consultation with the
17 Oglala Sioux Tribe and the Federal agencies listed
18 in subsection (j), a plan for completing the Oglala
19 Sioux Rural Water Supply System, including the im-
20 provement, repair, and replacement of existing water
21 systems on the Pine Ridge Indian Reservation and
22 the transfer of those systems to the United States
23 to be held in trust for the Oglala Sioux Tribe and
24 made part of the Oglala Sioux Rural Water Supply
25 System.

1 “(2) CONTENTS.—Not later than 2 years after
2 the date of enactment of this subsection, the Sec-
3 retary shall submit to the Committee on Energy and
4 Natural Resources of the Senate and the Committee
5 on Natural Resources of the House of Representa-
6 tives the plan described in paragraph (1), which
7 shall include—

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

10 “(B) a report that includes—

11 “(i) a description of the roles and re-
12 sponsibilities of the Federal agencies re-
13 ferred to in subsection (j) (including the
14 Bureau of Reclamation) for completing the
15 improvement, repair, and replacement of
16 the existing water systems;

17 “(ii) the program authorities of each
18 Federal agency and a description of how
19 those agencies will work together to com-
20 plete and implement the plan; and

21 “(iii) the funding requirements and
22 other needs necessary to complete and im-
23 plement the plan; and

24 “(C) as applicable, a description of the
25 roles and responsibilities of other Federal agen-

1 cies that have existing authorities to provide as-
2 sistance to the Oglala Sioux Tribe.

3 “(j) INTERAGENCY AGREEMENTS.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, after the date on which the Sec-
6 retary submits the plan under subsection (i) to Con-
7 gress, the Secretary shall enter into agreements with
8 the agency heads described in paragraph (4) to ful-
9 fill the trust responsibility of the United States and
10 complete the Oglala Sioux Rural Water Supply Sys-
11 tem in accordance with the Final Engineering Re-
12 port dated May 1993, including the transfer of exist-
13 ing systems.

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

18 “(3) ADMINISTRATION.—

19 “(A) IN GENERAL.—Each agency head de-
20 scribed in paragraph (4) shall carry out the du-
21 ties of the agency head under this subsection
22 out of amounts made available to the agency
23 head under annual appropriations and existing
24 programmatic authority.

1 “(B) ADDITIONAL FUNDING REQUESTS.—
 2 Nothing in this subsection prohibits the Oglala
 3 Sioux Tribe from applying for, seeking, or ob-
 4 taining amounts from the agency heads de-
 5 scribed in paragraph (4) for any other purpose.

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

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

11 “(i) meeting the environmental and
 12 safe drinking water needs of the Pine
 13 Ridge Indian Reservation, including com-
 14 plying with the Safe Drinking Water Act
 15 (42 U.S.C. 300f et seq.); and

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

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

22 “(II) constructing new rural
 23 water facilities, service lines, and
 24 other necessary features;

1 “(B) the Secretary of Agriculture, who,
2 through the rural development program and
3 other applicable programs of the Department,
4 shall assist the Secretary in completing the Og-
5 lala Sioux Rural Water Supply System, includ-
6 ing by—

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

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

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

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

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

1 “(iii) complying with the Act of Au-
 2 gust 5, 1954 (commonly known as the ‘In-
 3 dian Sanitation Facilities Act’) (68 Stat.
 4 674); and

5 “(D) the Secretary of Housing and Urban
 6 Development, who shall assist the Secretary in
 7 completing the Oglala Sioux Rural Water Sup-
 8 ply System pursuant to subsection (a)(8), in-
 9 cluding by—

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

13 “(ii) completing the plumbing, water
 14 pipes, appurtenances, and interconnections
 15 of houses to the Oglala Sioux Rural Water
 16 Supply System to meet the water conserva-
 17 tion standards of the system.

18 “(k) UPGRADING STANDARDS FOR CONNECTING
 19 HOMES.—The Director of the Bureau of Indian Affairs
 20 shall, through the use of existing programs and annual
 21 appropriations, assist the Secretary in completing the Og-
 22 lala Sioux Rural Water Supply System by constructing,
 23 repairing, and upgrading plumbing fixtures, skirting, and
 24 other necessary features, such as septic tanks and
 25 drainfields, to ensure that houses within the service area

1 are able to meet the standards for connecting to the Oglala
2 Sioux Rural Water Supply System.

3 “(l) LIVESTOCK DISTRIBUTION SYSTEM.—

4 “(1) IN GENERAL.—The Secretary and the Sec-
5 retary of Agriculture shall, through the use of the
6 water resources development authorities of the Bu-
7 reau of Indian Affairs and the environmental quality
8 incentives program established under chapter 4 of
9 subtitle D of title XII of the Food Security Act of
10 1985 (16 U.S.C. 3839aa et seq.), respectively, com-
11 plete, during a period not to exceed 15 years, the
12 livestock distribution system for the Oglala Sioux
13 Rural Water Supply System consistent with the
14 Final Engineering Report dated May 1993.

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

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

19 “(B) the Secretary and the Secretary of
20 Agriculture shall enter into an interagency
21 agreement that sets forth the specific respon-
22 sibilities of each agency concerning the con-
23 struction of the livestock distribution system;
24 and

1 “(C) the Natural Resources Conservation
 2 Service and the Bureau of Indian Affairs shall
 3 carry out the respective duties of the agencies
 4 under this subsection out of amounts made
 5 available to the respective agencies under an-
 6 nual appropriations and existing programmatic
 7 authority.”.

8 **SEC. 4. ROSEBUD SIOUX RURAL WATER SYSTEM.**

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

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

14 “(1) IN GENERAL.—In carrying out paragraphs
 15 (4) and (8) of subsection (a) and subsection (b)(3),
 16 the Secretary shall develop, in consultation with the
 17 Rosebud Sioux Tribe and the Federal agencies listed
 18 in subsection (i), a plan for completing the Rosebud
 19 Sioux Rural Water Supply System, including the im-
 20 provement, repair, and replacement of existing water
 21 systems on the Rosebud Indian Reservation and the
 22 transfer of those systems to the United States to be
 23 held in trust for the Rosebud Sioux Tribe and made
 24 part of the Rosebud Sioux Rural Water Supply Sys-
 25 tem.

1 “(2) CONTENTS.—Not later than 2 years after
2 the date of enactment of this subsection, the Sec-
3 retary shall submit to the Committee on Energy and
4 Natural Resources of the Senate and the Committee
5 on Natural Resources of the House of Representa-
6 tives the plan described in paragraph (1), which
7 shall include—

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

10 “(B) a report that includes—

11 “(i) a description of the roles and re-
12 sponsibilities of the Federal agencies re-
13 ferred to in subsection (i) (including the
14 Bureau of Reclamation) for completing the
15 improvement, repair, and replacement of
16 the existing water systems;

17 “(ii) the program authorities of each
18 Federal agency and a description of how
19 those agencies will work together to com-
20 plete and implement the plan; and

21 “(iii) the funding requirements and
22 other needs necessary to complete and im-
23 plement the plan; and

24 “(C) as applicable, a description of the
25 roles and responsibilities of other Federal agen-

1 cies that have existing authorities to provide as-
2 sistance to the Rosebud Sioux Tribe.

3 “(i) INTERAGENCY AGREEMENTS.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, after the date on which the Sec-
6 retary submits the plan under subsection (h) to Con-
7 gress, the Secretary shall enter into agreements with
8 the agency heads described in paragraph (4) to ful-
9 fill the trust responsibility of the United States and
10 complete the Rosebud Sioux Rural Water Supply
11 System in accordance with the Final Engineering
12 Report dated May 1993, including the transfer of
13 existing systems.

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

18 “(3) ADMINISTRATION.—

19 “(A) IN GENERAL.—Each agency head de-
20 scribed in paragraph (4) shall carry out the du-
21 ties of the agency head under this subsection
22 out of amounts made available to the agency
23 head under annual appropriations and existing
24 programmatic authority.

1 “(B) ADDITIONAL FUNDING REQUESTS.—

2 Nothing in this subsection prohibits the Rose-
 3 bud Sioux Tribe from applying for, seeking, or
 4 obtaining amounts from the agency heads de-
 5 scribed in paragraph (4) for any other purpose.

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

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

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

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

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

22 “(II) constructing new rural
 23 water facilities, service lines, and
 24 other necessary features;

1 “(B) the Secretary of Agriculture, who,
2 through the rural development program and
3 other applicable programs of the Department,
4 shall assist the Secretary in completing the
5 Rosebud Sioux Rural Water Supply System, in-
6 cluding by—

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

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

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

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

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

1 “(iii) complying with the Act of Au-
2 gust 5, 1954 (commonly known as the ‘In-
3 dian Sanitation Facilities Act’) (68 Stat.
4 674); and

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

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

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

18 “(j) UPGRADING STANDARDS FOR CONNECTING
19 HOMES.—The Director of the Bureau of Indian Affairs
20 shall, through the use of existing programs and annual
21 appropriations, assist the Secretary in completing the
22 Rosebud Sioux Rural Water Supply System by con-
23 structing, repairing, and upgrading plumbing fixtures,
24 skirting, and other necessary features, such as septic
25 tanks and drainfields, to ensure that houses within the

1 service area are able to meet the standards for connecting
 2 to the Rosebud Sioux Rural Water Supply System.

3 “(k) LIVESTOCK DISTRIBUTION SYSTEM.—

4 “(1) IN GENERAL.—The Secretary and the Sec-
 5 retary of Agriculture shall, through the use of the
 6 water resources development authorities of the Bu-
 7 reau of Indian Affairs and the environmental quality
 8 incentives program established under chapter 4 of
 9 subtitle D of title XII of the Food Security Act of
 10 1985 (16 U.S.C. 3839aa et seq.), respectively, com-
 11 plete, during a period not to exceed 15 years, the
 12 livestock distribution system for the Rosebud Sioux
 13 Rural Water Supply System consistent with the
 14 Final Engineering Report dated May 1993.

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

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

19 “(B) the Secretary and the Secretary of
 20 Agriculture shall enter into an interagency
 21 agreement that sets forth the specific respon-
 22 sibilities of each agency concerning the con-
 23 struction of the livestock distribution system;
 24 and

1 “(C) the Natural Resources Conservation
 2 Service and the Bureau of Indian Affairs shall
 3 carry out the respective duties of the agencies
 4 under this subsection out of amounts made
 5 available to the respective agencies under an-
 6 nual appropriations and existing programmatic
 7 authority.”.

8 **SEC. 5. LOWER BRULE SIOUX RURAL WATER SYSTEM.**

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

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

14 “(1) IN GENERAL.—In carrying out paragraphs
 15 (4) and (8) of subsection (a) and subsection (b)(3),
 16 the Secretary shall develop, in consultation with the
 17 Lower Brule Sioux Tribe and the Federal agencies
 18 listed in subsection (i), a plan for completing the
 19 Lower Brule Sioux Rural Water Supply System, in-
 20 cluding the improvement, repair, and replacement of
 21 existing water systems on the Lower Brule Indian
 22 Reservation and the transfer of those systems to the
 23 United States to be held in trust for the Lower
 24 Brule Sioux Tribe and made part of the Lower
 25 Brule Sioux Rural Water Supply System.

1 “(2) CONTENTS.—Not later than 2 years after
2 the date of enactment of this subsection, the Sec-
3 retary shall submit to the Committee on Energy and
4 Natural Resources of the Senate and the Committee
5 on Natural Resources of the House of Representa-
6 tives the plan described in paragraph (1), which
7 shall include—

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

10 “(B) a report that includes—

11 “(i) a description of the roles and re-
12 sponsibilities of the Federal agencies re-
13 ferred to in subsection (i) (including the
14 Bureau of Reclamation) for completing the
15 improvement, repair, and replacement of
16 the existing water systems;

17 “(ii) the program authorities of each
18 Federal agency and a description of how
19 those agencies will work together to com-
20 plete and implement the plan; and

21 “(iii) the funding requirements and
22 other needs necessary to complete and im-
23 plement the plan; and

24 “(C) as applicable, a description of the
25 roles and responsibilities of other Federal agen-

1 cies that have existing authorities to provide as-
2 sistance to the Lower Brule Sioux Tribe.

3 “(i) INTERAGENCY AGREEMENTS.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, after the date on which the Sec-
6 retary submits the plan under subsection (h) to Con-
7 gress, the Secretary shall enter into agreements with
8 the agency heads described in paragraph (4) to ful-
9 fill the trust responsibility of the United States and
10 complete the Lower Brule Sioux Rural Water Supply
11 System in accordance with the Final Engineering
12 Report dated May 1993, including the transfer of
13 existing systems.

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

18 “(3) ADMINISTRATION.—

19 “(A) IN GENERAL.—Each agency head de-
20 scribed in paragraph (4) shall carry out the du-
21 ties of the agency head under this subsection
22 out of amounts made available to the agency
23 head under annual appropriations and existing
24 programmatic authority.

1 “(B) ADDITIONAL FUNDING REQUESTS.—

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

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

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

12 “(i) meeting the environmental and
13 safe drinking water needs of the Lower
14 Brule Indian Reservation, including com-
15 plying with the Safe Drinking Water Act
16 (42 U.S.C. 300f et seq.); and

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

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

23 “(II) constructing new rural
24 water facilities, service lines, and
25 other necessary features;

1 “(B) the Secretary of Agriculture, who,
2 through the rural development program and
3 other applicable programs of the Department,
4 assist the Secretary in completing the Lower
5 Brule Sioux Rural Water Supply System, in-
6 cluding by—

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

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

13 “(C) the Secretary of Health and Human
14 Services, who, acting through the Director of
15 the Indian Health Service, shall assist the Sec-
16 retary in meeting the water supply and public
17 health needs of the Lower Brule Indian Res-
18 ervation under subsection (a)(8), including by—

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

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

1 “(iii) complying with the Act of Au-
2 gust 5, 1954 (commonly known as the ‘In-
3 dian Sanitation Facilities Act’) (68 Stat.
4 674); and

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

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

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

18 “(j) UPGRADING STANDARDS FOR CONNECTING
19 HOMES.—The Director of the Bureau of Indian Affairs
20 shall, through the use of existing programs and annual
21 appropriations, assist the Secretary in completing the
22 Lower Brule Sioux Rural Water Supply System by con-
23 structing, repairing, and upgrading plumbing fixtures,
24 skirting, and other necessary features, such as septic
25 tanks and drainfields, to ensure that houses within the

1 service area are able to meet the standards for connecting
 2 to the Lower Brule Sioux Rural Water Supply System.”.

3 **SEC. 6. MITIGATION OF FISH AND WILDLIFE LOSSES.**

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

8 “(b) OAHE, BIG BEND, AND FORT RANDALL DAMS
 9 AND RESERVOIRS.—

10 “(1) IN GENERAL.—The Secretary, in coopera-
 11 tion with the State of South Dakota, all Indian
 12 tribes residing on reservations within the State of
 13 South Dakota, and other Federal agencies, shall de-
 14 velop and submit to Congress not later than Janu-
 15 ary 2014, recommendations for financing and imple-
 16 menting mitigation plans for—

17 “(A) fish and wildlife and terrestrial losses,
 18 including the loss of Native American cultural
 19 resources, human remains, ceremonial plants
 20 and herbs, gathering rights, access to sacred
 21 sites, and other usufructuary rights, resulting
 22 from the construction and operation of the
 23 Oahe Dam and Reservoir, Big Bend Dam and
 24 Reservoir, and Fort Randall Dam and Res-
 25 ervoir; and

1 “(B) fish and wildlife and terrestrial losses
2 and any impacts to groundwater resulting from
3 the construction and operation of the dams and
4 reservoirs on the Missouri River tributaries
5 within the State of South Dakota.

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

8 “(A) the Secretary shall—

9 “(i) issue regulations that set forth
10 procedures for meaningful consultation
11 with the Indian tribes concerning the pres-
12 ervation and protection of Native American
13 cultural resources, human remains, cere-
14 monial plants and herbs, gathering rights,
15 and access to sacred sites; and

16 “(ii) provide the Indian tribes with
17 the opportunity to participate and concur
18 in the development of the recommendations
19 described in paragraph (1) before the Sec-
20 retary submits the recommendations to
21 Congress; and

22 “(B) the Chief of Engineers, the Director
23 of the National Park Service, and the Director
24 of the United States Fish and Wildlife Service
25 shall, at the request of the Secretary, provide

1 any assistance the Secretary requires in pre-
 2 paring and completing the recommendations de-
 3 scribed in paragraph (1).”.

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

5 (a) PLANNING, DESIGN, AND CONSTRUCTION.—Sec-
 6 tion 10(a) of the Mni Wiconi Project Act of 1988 (Public
 7 Law 100–516; 102 Stat. 2571; 108 Stat. 4545; 116 Stat.
 8 3033; 121 Stat. 1954) is amended—

9 (1) in the first sentence, by striking “and
 10 \$58,800,000 (based on October 1, 1997, price lev-
 11 els)” and inserting “, \$58,800,000 (based on Octo-
 12 ber 1, 1997, price levels), and \$14,308,000 (based
 13 on October 1, 2011, price levels)”;

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

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

21 (b) OPERATION AND MAINTENANCE OF OGLALA
 22 SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX
 23 RURAL WATER SUPPLY SYSTEM AND LOWER BRULE
 24 SIOUX WATER SUPPLY SYSTEM.—Section 10(b) of the

1 Mni Wiconi Project Act of 1988 (Public Law 100–516;
2 102 Stat. 2571; 108 Stat. 4545) is amended—

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

6 “(1) OPERATION AND MAINTENANCE.—

7 “(A) IN GENERAL.—There are authorized
8 to be appropriated such sums as are necessary
9 for the operation and maintenance of the Oglala
10 Sioux Rural Water Supply System, Rosebud
11 Sioux Rural Water Supply System, and Lower
12 Brule Sioux Rural Water Supply System and
13 for reimbursement to the city of White River,
14 South Dakota for operation and maintenance
15 costs for the provision of water to service con-
16 nections in that city that are located on trust
17 land of the Rosebud Sioux Tribe or members of
18 the Rosebud Sioux Tribe.”;

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

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

23 “(i) IN GENERAL.—The operation”;

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

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

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

6 “(iii) ADJUSTMENT OF PAYMENTS.—

7 The operation and maintenance payments
8 under this subparagraph”; and

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

11 “(2) COMMUNITY UPGRADES.—

12 “(A) IN GENERAL.—Public or tribal water
13 systems that are in existence on the date of en-
14 actment of this paragraph shall be transferred
15 to the respective rural water supply system at
16 the request of the applicable Indian tribe and
17 the owner of the water system.

18 “(B) OPERATION AND MAINTENANCE.—

19 The operation and maintenance amounts au-
20 thorized for the water systems described in sub-
21 paragraph (A) shall be supplemented and used
22 for the improvement, repair, and replacement of
23 those systems, as determined by the Secretary
24 pursuant to sections 3(i)(2)(B)(iii),
25 3A(h)(2)(B)(iii), and 3B(h)(2)(B)(iii), after the

1 date on which those systems are interconnected
 2 and transferred to the respective rural water
 3 supply system pursuant to sections 3(a)(4),
 4 3A(a)(4), and 3B(a)(4).

5 “(C) INITIAL IMPROVEMENTS AND RE-
 6 PAIRS.—Initial improvement and repairs of the
 7 transferred systems described in subparagraph
 8 (A) shall be completed in accordance with the
 9 plans under sections 3(i), 3A(h) and 3B(h).”.

10 **SEC. 8. WASTE WATER DISPOSAL SYSTEMS.**

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

14 (1) by striking “(1) The Secretary” and insert-
 15 ing the following:

16 “(1) IN GENERAL.—The Secretary”;

17 (2) by striking “(2) The feasibility” and insert-
 18 ing the following:

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

20 and

21 (3) by adding at the end the following:

22 “(3) UPDATES TO FEASIBILITY STUDIES.—

23 “(A) IN GENERAL.—Beginning for fiscal
 24 year 2012, the feasibility studies under this
 25 subsection shall be updated and completed by

1 the Oglala Sioux Tribe, the Rosebud Sioux
2 Tribe, and the Lower Brule Sioux Tribe, in
3 consultation with the Secretary, the Adminis-
4 trator of the Environmental Protection Agency,
5 the Chief of Engineers, the Director of the In-
6 dian Health Service, the Administrator of the
7 Rural Housing Service, and the Administrator
8 of the Economic Development Administration.

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

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

22 “(ii) any deficiency assessments of the
23 existing waste water disposal facilities and
24 systems;

1 “(iii) cost estimates for construction
 2 of new facilities and systems and rehabili-
 3 tating existing systems; and

4 “(iv) cost estimates for the operation,
 5 maintenance, and replacement of the waste
 6 water disposal facilities and systems.”.

7 **SEC. 9. MNI WICONI PROJECT EMERGENCY ASSISTANCE**
 8 **PLANNING ACT.**

9 (a) AMENDMENTS.—The Mni Wiconi Project Act of
 10 1988 (Public Law 100–516; 102 Stat. 2566) is amended
 11 by adding at the end the following:

12 **“TITLE II—MNI WICONI PROJECT**
 13 **EMERGENCY ASSISTANCE**
 14 **PLANNING ACT**

15 **“SEC. 201. SHORT TITLE.**

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

18 **“SEC. 202. FINDINGS; PURPOSE.**

19 “(a) FINDINGS.—Congress finds that—

20 “(1) substantial amounts of Federal funds have
 21 been expended and will be expended on the planning,
 22 design, construction, operation, maintenance, and re-
 23 placement of the Mni Wiconi Project Rural Water
 24 Systems for Indian tribes in fulfillment of tribal
 25 treaties and agreements and Federal law recognizing

1 the trust responsibility and obligation of the United
2 States to protect Indian tribes;

3 “(2) the Mni Wiconi Project Rural Water Sys-
4 tems have been constructed, or will be constructed,
5 pursuant to this Act;

6 “(3) the Mni Wiconi Project Rural Water Sys-
7 tems, or portions of the Mni Wiconi Project Rural
8 Water Systems, have been paid for by the Secretary
9 out of amounts authorized and appropriated by Con-
10 gress;

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

15 “(5) the Secretaries shall develop a congression-
16 ally approved plan to meet the needs of the Mni
17 Wiconi Project Rural Water Systems in emergency
18 situations involving a major breakdown of a rural
19 water system.

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

24 **“SEC. 203. DEFINITIONS.**

25 “In this title:

1 “(1) MNI WICONI PROJECT RURAL WATER SYS-
 2 TEMS.—The term ‘Mni Wiconi Project Rural Water
 3 Systems’ means—

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

6 “(B) the Rosebud Sioux Rural Water Sup-
 7 ply System;

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

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

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

14 “(A) the Secretary of the Interior;

15 “(B) the Secretary of Defense; and

16 “(C) the Secretary of Homeland Security.

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

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

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

25 “(2) a natural or manmade disaster; and

1 “(3) an act of terrorism.

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

7 “(1) an assessment of the emergency manage-
8 ment needs of each rural water system in the Mni
9 Wiconi Project Rural Water Systems;

10 “(2) a description of the procedures for re-
11 sponding to emergency needs;

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

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

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

19 **“SEC. 205. MNI WICONI PROJECT EMERGENCY ASSISTANCE**
20 **FUND.**

21 “(a) ESTABLISHMENT OF FUND.—There is estab-
22 lished in the Treasury of the United States a fund to be
23 known as the ‘Mni Wiconi Emergency Assistance Fund’
24 (referred to in this section as the ‘Fund’), to be adminis-
25 tered by the Secretary of the Interior, to be available with-

1 out fiscal year limitation and subject to appropriation, to
 2 carry out this title.

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

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

8 “(d) ANNUAL REPORTS.—

9 “(1) IN GENERAL.—Not later than 60 days
 10 after the end of each fiscal year beginning with fis-
 11 cal year 2013, the Secretary of the Interior shall
 12 submit to the Committee on Appropriations of the
 13 House of Representatives, the Committee on Appro-
 14 priations of the Senate, and authorizing committees
 15 a report on the operation of the Fund during the fis-
 16 cal year.

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

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

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

24 “(C) Recommendations for additional au-
 25 thorities to fulfill the purpose of the Fund.

(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

8 (2) by adding at the end the following:

9 “(40) a separate statement for the Mni Wiconi
10 Emergency Assistance Fund established under sec-
11 tion 205 of the Mni Wiconi Project Emergency As-
12 sistance Planning Act of 2012, which shall include
13 the estimated amount of deposits into the Fund, ob-
14 ligations, and outlays from the Fund.”.

(c) CONFORMING AMENDMENT.—The Mni Wiconi
Project Act of 1988 (Public Law 100–516; 102 Stat.
2566) is amended by inserting before the first section the
following:

19 **“TITLE I—MNI WICONI PROJECT**
20 **ACT”.**

