

113TH CONGRESS
2D SESSION

S. 684

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mni Wiconi Project
3 Act Amendments of 2013”.

4 **SEC. 2. OTHER AGENCY ASSISTANCE.**

5 The Mni Wiconi Project Act of 1988 (Public Law
6 100–516; 102 Stat. 2566; 108 Stat. 4543) is amended
7 by inserting after section 3B the following:

8 **“SEC. 3C. PLANS FOR COMPLETING THE OGLALA SIOUX**
9 **RURAL WATER SUPPLY SYSTEM, ROSEBUD**
10 **SIOUX RURAL WATER SYSTEM, AND LOWER**
11 **BRULE SIOUX RURAL WATER SYSTEM.**

12 “(a) PLANS FOR COMPLETION.—

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

21 “(2) CONTENTS.—The plan for each water sup-
22 ply system described in paragraph (1) shall re-
23 quire—

24 “(A) the completion of remaining compo-
25 nents of the applicable system in accordance

1 with the Final Engineering Report dated May
2 1993;

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

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

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

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

22 “(B) a report that includes—

23 “(i) a description of the roles and re-
24 sponsibilities of each of the heads of the
25 Federal agencies listed in subsection (b)(1)

1 (including the Commissioner of the Bureau
2 of Reclamation) relating to the completion
3 of the water supply systems, including with
4 respect to the improvement, repair, and re-
5 placement of the existing water systems
6 before and after transfer;

7 “(ii) the program authorities of each
8 Federal agency listed in subsection (b)(1)
9 and a description of how the heads of the
10 Federal agencies will work together to
11 complete and implement the plans; and

12 “(iii) the amount of funding and any
13 other need the Secretary determines to be
14 necessary to complete and implement the
15 plans; and

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

22 “(b) INTERAGENCY AGREEMENTS.—

23 “(1) IN GENERAL.—Notwithstanding any other
24 provision of law, the Secretary shall enter into
25 agreements with the Administrator of the Environ-

1 mental Protection Agency, the Secretary of Agri-
2 culture, the Secretary of Health and Human Serv-
3 ices, and the Secretary of Housing and Urban De-
4 velopment—

5 “(A) to fulfill the trust responsibility of the
6 United States; and

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

15 “(2) COOPERATION.—

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

24 “(i) improving, repairing, and replac-
25 ing existing water systems as set forth in

1 the plans developed under subsection (a);
2 and

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

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

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

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

16 “(3) LIVESTOCK DISTRIBUTION SYSTEMS.—

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

1 sistent with the Final Engineering Report dated
2 May 1993.

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

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

15 “(5) ADMINISTRATION.—

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

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

1 “(C) ADDITIONAL FUNDING REQUESTS.—

2 Nothing in this subsection prohibits the Oglala
3 Sioux Tribe, the Rosebud Sioux Tribe, or the
4 Lower Brule Sioux Tribe from applying for,
5 seeking, or obtaining amounts from the Federal
6 agencies referred to in paragraph (1) for any
7 other purpose.

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

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) PLANNING, DESIGN, AND CONSTRUCTION.—Sec-
21 tion 10(a) of the Mni Wiconi Project Act of 1988 (Public
22 Law 100–516; 102 Stat. 2571; 108 Stat. 4545; 116 Stat.
23 3033; 121 Stat. 1954) is amended—

24 (1) in the first sentence, by striking “and
25 \$58,800,000 (based on October 1, 1997 price lev-

1 els)” and inserting “, \$58,800,000 (based on Octo-
 2 ber 1, 1997 price levels), and \$14,308,000 (based on
 3 October 1, 2011 price levels)”;

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

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

11 (b) OPERATION AND MAINTENANCE OF OGLALA
 12 SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX
 13 RURAL WATER SUPPLY SYSTEM, AND LOWER BRULE
 14 SIOUX WATER SUPPLY SYSTEM.—Section 10(b) of the
 15 Mni Wiconi Project Act of 1988 (Public Law 100–516;
 16 102 Stat. 2571; 108 Stat. 4545) is amended—

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

19 “(1) OPERATION AND MAINTENANCE.—

20 “(A) IN GENERAL.—There are”;

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

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

25 “(i) IN GENERAL.—The operation”;

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

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

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

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

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

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

15 “(A) IN GENERAL.—After the date on
16 which public or tribal water systems on the
17 Pine Ridge Indian Reservation, the Rosebud In-
18 dian Reservation, and the Lower Brule Indian
19 Reservation that are in existence on the date of
20 enactment of this paragraph have been brought
21 up to the standards for the water systems es-
22 tablished in the plans developed under section
23 3C(a), but not later than 15 years after the
24 date of enactment of this paragraph, title to
25 each of the water systems shall be transferred

1 to the United States, to be held in trust for the
2 benefit of the applicable Indian tribe, on the re-
3 quest of the Oglala Sioux Tribe, the Rosebud
4 Sioux Tribe, or the Lower Brule Sioux Tribe,
5 as applicable, and the owner of the water sys-
6 tem.

7 “(B) IMPROVEMENTS AND REPAIRS AND
8 REPLACEMENT.—The Secretary shall use
9 amounts authorized to be appropriated under
10 paragraph (1) for the improvement, repair, and
11 replacement of any water system that is trans-
12 ferred or proposed, by request of the owner of
13 the water system, to be transferred and im-
14 proved under subparagraph (A).”.

15 **SEC. 4. OFFSET.**

16 Notwithstanding any other provision of law, in the
17 case of the project authorized by section 1617 of the Rec-
18 lamation Projects Authorization and Adjustment Act of
19 1992 (43 U.S.C. 390h–12c), the maximum amount of the
20 Federal share of the cost of the project under section
21 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) other-

- 1 wise available as of the date of enactment of this Act shall
- 2 be reduced by \$15,000,000.

Passed the Senate December 16, 2014.

Attest:

Secretary.

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