

103^D CONGRESS
2^D SESSION

S. 2066

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

IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, MAY 2), 1994

Mr. DASCHLE (for himself and Mr. PRESSLER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To expand the Mni Wiconi Rural Water Supply Project, 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 Act
5 Amendments of 1994”.

6 **SEC. 2. REFERENCE.**

7 Whenever in this Act a section or other provision is
8 amended or repealed, such amendment or repeal shall be
9 considered to be made to that section or other provision
10 of the Mni Wiconi Project Act of 1988 (102 Stat. 2566).

1 **SEC. 3. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Section 2(a) is amended—

3 (1) in paragraph (1), by striking “Reservation”
4 and inserting “Reservation, Rosebud Indian Res-
5 ervation, and Lower Brule Indian Reservation”;

6 (2) by redesignating paragraphs (3), (4), and
7 (5) as paragraphs (4), (5), and (6), respectively;

8 (3) by inserting after paragraph (2) the follow-
9 ing new paragraph:

10 “(3) the lack of water supplies on the Rosebud
11 Reservation and Lower Brule Indian Reservation re-
12 strict efforts to promote economic development on
13 those reservations;”;

14 (4) in paragraph (5), as redesignated by para-
15 graph (2) of this subsection, by striking “Reserva-
16 tion;” and inserting “Reservation, Rosebud Indian
17 Reservation, and Lower Brule Indian Reservation;”;
18 and

19 (5) in paragraph (6), as redesignated by para-
20 graph (2) of this subsection, by inserting “Rosebud
21 Indian Reservation, and Lower Brule Indian Res-
22 ervation,” after “Reservation,”.

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

1 **SEC. 4. OGLALA SIOUX RURAL WATER SUPPLY SYSTEM.**

2 (a) AUTHORIZATION.—Section 3(a) is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “1988.” and inserting “1988, and as more
5 specifically described in the Final Engineering Re-
6 port dated May 1993.”; and

7 (2) by amending paragraph (3) to read as fol-
8 lows:

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

14 (b) CONSTRUCTION REQUIREMENTS.—Section 3(d)
15 is amended—

16 (1) by striking “West River Rural Water Sys-
17 tem, and” and inserting “West River Rural Water
18 System, the Rosebud Sioux Rural Water System, the
19 Lower Brule Sioux Rural Water System, and”; and

20 (2) by striking “three systems” and inserting
21 “five systems authorized under this Act”.

22 (c) TITLE TO SYSTEM.—Section 3(e) is amended by
23 inserting “or encumbered” after “transferred”.

1 **SEC. 5. ROSEBUD SIOUX RURAL WATER SYSTEM AND**
2 **LOWER BRULE SIOUX RURAL WATER SYSTEM.**

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

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

6 “(a) AUTHORIZATION.—The Secretary shall plan, de-
7 sign, construct, operate, maintain, and replace a munici-
8 pal, rural, and industrial water system, to be known as
9 the Rosebud Sioux Rural Water System, as generally de-
10 scribed in the Rosebud Sioux Tribe Municipal, Rural and
11 Industrial Water Needs Assessment, dated July 1993, and
12 the Final Engineering Report for the Mni Wiconi Rural
13 Water Supply Project dated May 1993. The Rosebud
14 Sioux Rural Water system shall consist of—

15 “(1) necessary pumping and treatment facili-
16 ties;

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

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

22 “(4) distribution and treatment facilities to
23 serve the needs of the Rosebud Indian Reservation,
24 and other areas described in the Rosebud Sioux
25 Tribe Municipal, Rural and Industrial Water Needs
26 Assessment, dated July 1993, including the pur-

1 chase, improvement and repair of existing water sys-
2 tems (including systems owned by individual tribal
3 members and other residents of the Rosebud Indian
4 Reservation);

5 “(5) appurtenant buildings and property rights;

6 “(6) necessary property and property rights;

7 “(7) electrical power transmission and distribu-
8 tion facilities necessary for services to water systems
9 facilities; and

10 “(8) such other pipelines, pumping plants, and
11 facilities as the Secretary determines to be necessary
12 and appropriate to meet the water supply and the
13 economic, public health, and environmental needs of
14 the reservation, including water storage tanks, water
15 lines, and other facilities for the Rosebud Sioux
16 Tribe and reservation villages, towns, and municipi-
17 palities.

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

21 “(1) In carrying out subsection (a), the Sec-
22 retary, with the concurrence of the Rosebud Sioux
23 Tribal Council, shall enter into cooperative agree-
24 ments with the appropriate non-Federal entity or en-
25 tities for planning, designing, constructing, operat-

1 ing, maintaining, and replacing the Rosebud Sioux
2 Rural Water System.

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

6 “(A) the responsibilities of the parties
7 for—

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

10 “(ii) engineering and design;

11 “(iii) construction;

12 “(iv) water conservation measures;

13 and

14 “(v) administration of any contracts
15 with respect to this subparagraph;

16 “(B) the procedures and requirements for
17 approval and acceptance of design and con-
18 struction; and

19 “(C) the rights, responsibilities, and liabil-
20 ities of each party to the agreement.

21 “(3) Each cooperative agreement may include
22 provisions for the purchase, improvement, and repair
23 of existing water systems, including systems owned
24 by individual tribal members and other residents lo-
25 cated on the Rosebud Indian Reservation.

1 “(4) The Secretary may unilaterally terminate
2 any cooperative agreement entered into pursuant to
3 this section if the Secretary determines that the
4 quality of construction does not meet all standards
5 established for similar facilities constructed by the
6 Secretary, or that the operation and maintenance of
7 the system does not meet conditions acceptable to
8 the Secretary for fulfilling the obligations of the
9 United States to the Rosebud Sioux Tribe.

10 “(5) Upon execution of any cooperative agree-
11 ment authorized under this section, the Secretary
12 may transfer to the appropriate non-Federal entity,
13 on a nonreimbursable basis, the funds authorized to
14 be appropriated by section 10(a) for the Rosebud
15 Sioux Rural Water System.

16 “(c) SERVICE AREA.—The service area of the Rose-
17 bud Sioux Rural Water System shall extend to all of Todd
18 County, South Dakota, and to all other territory and lands
19 generally described in the Rosebud Sioux Tribe Municipal,
20 Rural and Industrial Water Needs Assessment, dated July
21 1993, and the Final Engineering Report for the Mni
22 Wiconi Rural Water Supply Project dated May 1993.

23 “(d) CONSTRUCTION REQUIREMENTS.—The pump-
24 ing plants, pipelines, treatment facilities, and other appur-
25 tenant facilities for the Rosebud Sioux Rural Water Sys-

1 tem shall be planned and constructed in a size sufficient
2 to meet the municipal, rural, and industrial water supply
3 requirements of the Rosebud Sioux Tribe and the Lyman-
4 Jones Rural Water System, as generally described in the
5 Rosebud Sioux Tribe Municipal, Rural and Industrial
6 Water Needs Assessment, dated July 1993, and the Final
7 Engineering Report for the Mni Wiconi Rural Water Sup-
8 ply Project dated May 1993, taking into account the ef-
9 fects of the conservation plans described in section 5. The
10 Rosebud Rural Sioux Water System and Lyman-Jones
11 Rural Water System may be interconnected and provided
12 with water service from common facilities. Any joint costs
13 associated with common facilities shall be allocated to the
14 Rosebud Sioux Rural Water System.

15 “(e) TITLE TO SYSTEM.—Title to the Rosebud Sioux
16 Rural Water System shall be held in trust for the Rosebud
17 Sioux Tribe by the United States and shall not be trans-
18 ferred or encumbered without a subsequent Act of Con-
19 gress.

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

1 “(g) APPLICATION OF THE INDIAN SELF-DETER-
2 MINATION AND EDUCATION ASSISTANCE ACT.—Planning,
3 design, construction, and operation of the Rosebud Sioux
4 Rural Water System shall be subject to the Indian Self-
5 Determination and Education Assistance Act (25 U.S.C.
6 450 et seq.).

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

8 “(a) AUTHORIZATION.—The Secretary shall plan, de-
9 sign, construct, operate, maintain, and replace a munici-
10 pal, rural, and industrial water system, to be known as
11 the Lower Brule Sioux Rural Water System, as generally
12 described in the Final Engineering Report for the Mni
13 Wiconi Rural Water Supply Project, dated May 1993. The
14 Lower Brule Sioux Rural Water System shall consist of—

15 “(1) necessary pumping and treatment facili-
16 ties;

17 “(2) pipelines extending from the points of
18 interconnections with the Oglala Sioux Rural Water
19 Supply System to the Lower Brule Indian Reserva-
20 tion;

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

23 “(4) distribution and treatment facilities to
24 serve the needs of the Lower Brule Indian Reserva-
25 tion, including the purchase, improvement, and re-

1 pair of existing water systems (including systems
2 owned by individual tribal members and other resi-
3 dents of the Lower Brule Indian Reservation);

4 “(5) appurtenant buildings and property rights;

5 “(6) necessary property and property rights;

6 “(7) electrical power transmission and distribu-
7 tion facilities necessary for services to water systems
8 facilities; and

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

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

20 “(1) In carrying out subsection (a), the Sec-
21 retary, with the concurrence of the Lower Brule
22 Sioux Tribal Council, shall enter into cooperative
23 agreements with the appropriate non-Federal entity
24 or entities for planning, designing, constructing, op-

1 erating, maintaining, and replacing the Lower Brule
2 Sioux Rural Water System.

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

6 “(A) the responsibilities of the parties
7 for—

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

10 “(ii) engineering and design;

11 “(iii) construction;

12 “(iv) water conservation measures;

13 and

14 “(v) administration of any contracts
15 with respect to this subparagraph;

16 “(B) the procedures and requirements for
17 approval and acceptance of design and con-
18 struction; and

19 “(C) the rights, responsibilities, and liabil-
20 ities of each party to the agreement.

21 “(3) Each cooperative agreement may include
22 provisions for the purchase, improvement, and repair
23 of existing water systems, including systems owned
24 by individual tribal members and other residents lo-
25 cated on the Lower Brule Indian Reservation.

1 “(4) The Secretary may unilaterally terminate
2 any cooperative agreement entered into pursuant to
3 this section if the Secretary, determines that the
4 quality of construction does not meet all standards
5 established for similar facilities constructed by the
6 Secretary, or that the operation and maintenance of
7 the system does not meet conditions acceptable to
8 the Secretary for fulfilling the obligations of the
9 United States to the Lower Brule Sioux Tribe.

10 “(5) Upon execution of any cooperative agree-
11 ment authorized under this section, the Secretary
12 may transfer to the appropriate non-Federal entity,
13 on a nonreimbursable basis, the funds authorized to
14 be appropriated by section 10(a) for the Lower
15 Brule Sioux Rural Water System.

16 “(c) SERVICE AREA.—The service area of the Lower
17 Brule Sioux Rural Water System shall be the boundaries
18 of the Lower Brule Indian Reservation.

19 “(d) CONSTRUCTION REQUIREMENTS.—The pump-
20 ing plants, pipelines, treatment facilities, and other appur-
21 tenant facilities for the Lower Brule Sioux Rural Water
22 System shall be planned and constructed in a size suffi-
23 cient to meet the municipal, rural, and industrial water
24 supply requirements of the Lower Brule Sioux Tribe and
25 the Lyman-Jones Rural Water System, as generally de-

1 scribed in the Final Engineering Report of the Mni Wiconi
2 Rural Water Supply Project, dated May 1993, taking into
3 account the effects of the conservation plans described in
4 section 5. The Lower Brule Sioux Rural Water System
5 and Lyman-Jones Rural Water System may be inter-
6 connected and provided with water service from common
7 facilities. Any joint costs associated with common facilities
8 shall be allocated to the Lower Brule Sioux Rural Water
9 System.

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

15 “(f) TECHNICAL ASSISTANCE.—The Secretary shall
16 provide such technical assistance as may be necessary to
17 the Lower Brule Sioux Tribe to plan, develop, construct,
18 operate, maintain, and replace the Lower Brule Sioux
19 Rural Water System, including operation and manage-
20 ment training.

21 “(g) APPLICATION OF THE INDIAN SELF-DETER-
22 MINATION AND EDUCATION ASSISTANCE ACT.—Planning,
23 design, construction, and operation of the Lower Brule
24 Sioux Rural Water System shall be subject to the Indian

1 Self-Determination and Education Assistance Act (25
2 U.S.C. 450 et seq.).”.

3 **SEC. 6. WEST RIVER RURAL WATER SYSTEM AND LYMAN-**
4 **JONES RURAL WATER SYSTEM.**

5 (a) SERVICE AREA.—Section 4(d) is amended by
6 striking the period at the end and inserting “, and the
7 Final Engineering Report dated May 1993.”.

8 (b) INTERCONNECTION OF FACILITIES AND WAIVER
9 OF CHARGES.—Section 4 is amended by redesignating
10 subsection (f) as subsection (g) and inserting after sub-
11 section (e) the following new subsection:

12 “(f) INTERCONNECTION OF FACILITIES AND WAIVER
13 OF CHARGES.—The Secretary may interconnect the
14 Lyman-Jones Rural Water System and the West River
15 Rural Water System with each of the other systems au-
16 thorized under this Act, and to provide for the delivery
17 of water to the West River Rural Water System and
18 Lyman-Jones Rural Water System, without charge or
19 cost, from the Missouri River and through common facili-
20 ties of the Oglala Sioux Rural Water Supply System, the
21 Rosebud Sioux Rural Water System, and the Lower Brule
22 Rural Water System.”.

23 **SEC. 7. WATER CONSERVATION.**

24 Section 5 is amended by striking “The non-Federal
25 parties (including the Oglala Sioux Tribe)” and inserting

1 “Each non-Federal party (including the Oglala Sioux
2 Tribe, Rosebud Sioux Tribe, and Lower Brule Sioux
3 Tribe)”.

4 **SEC. 8. MITIGATION OF FISH AND WILDLIFE LOSES.**

5 Section 6 is amended—

6 (1) in subsection (a)—

7 (A) in the heading, by inserting “, ROSE-
8 BUD SIOUX RURAL WATER SYSTEM, LOWER
9 BRULE SIOUX RURAL WATER SYSTEM,” after
10 “SUPPLY SYSTEM”; and

11 (B) by inserting “Rosebud Sioux Rural
12 Water System, Lower Brule Sioux Rural Water
13 System,” after “Supply System,”; and

14 (2) in subsection (b)—

15 (A) by inserting “, all Indian tribes resid-
16 ing on reservations within the State of South
17 Dakota,” after “South Dakota”;

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

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

22 (D) by adding at the end the following:

23 “The Indian tribes shall be afforded an opportunity to re-
24 view and concur within any recommendations affecting

1 their reservations before the recommendations are submit-
 2 ted to Congress.”.

3 **SEC. 9. ESTABLISHMENT OF THE OGLALA SIOUX, ROSEBUD**
 4 **SIOUX, AND LOWER BRULE SIOUX BIO-DIVER-**
 5 **SITY TRUSTS.**

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

8 **“SEC. 6A. ESTABLISHMENT OF THE OGLALA SIOUX, ROSE-**
 9 **BUD SIOUX, AND LOWER BRULE SIOUX BIO-**
 10 **DIVERSITY TRUSTS.**

11 “(a) AUTHORIZATION.—The Secretary shall make
 12 Federal grants to the Oglala Sioux, Rosebud Sioux, and
 13 Lower Brule Sioux Bio-Diversity Trusts. The Federal con-
 14 tribution shall not exceed \$16,000,000 and shall be paid
 15 in 5 annual installments beginning in fiscal year 1995.
 16 The grants shall be expended as provided in the Final En-
 17 gineering Report for the Mni Wiconi Rural Water Supply
 18 Project, dated May 1993, required by section 3(f) of this
 19 Act.

20 “(b) ELIGIBILITY REQUIREMENTS FOR FEDERAL
 21 CONTRIBUTIONS.—Each Trust shall be eligible to receive
 22 Federal grants under subsection (a) if the Trust—

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

1 “(2) is incorporated to select and provide fund-
2 ing to projects that restore, protect, and enhance
3 wildlife and wildlife habitat;

4 “(3) is under the direction of a Board of Trust-
5 ees that—

6 “(A) has the power to manage all the af-
7 fairs of the corporation, including administra-
8 tion, data collection, and implementation of the
9 purposes of the Trust; and

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

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

17 “(c) OPERATIONAL REQUIREMENTS OF BIO-DIVER-
18 SITY TRUSTS.—The Oglala Sioux, Rosebud Sioux, and
19 Lower Brule Sioux Bio-Diversity Trusts shall be deemed
20 to be operating in accordance with this section if the fol-
21 lowing conditions are met:

22 “(1) Each Trust shall be operated to select and
23 provide funding to projects that protect, restore, and
24 maintain plant and animal communities and large-
25 scale natural ecosystems in accordance with its cor-

1 porate purposes. Projects eligible for funding include
2 projects that—

3 “(A) reconstitute natural biological diver-
4 sity that has been diminished;

5 “(B) assist the recovery of species popu-
6 lations, communities, and ecosystems that are
7 unable to survive on-site without intervention;

8 “(C) allow reintroduction and reoccupation
9 of ecosystems by native flora and fauna;

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

12 “(E) restore natural habitat for the re-
13 cruitment and survival of fish, waterfowl, and
14 other wildlife;

15 “(F) provide additional conservation values
16 to Indian trust lands;

17 “(G) add to structural and compositional
18 values of existing preserves or enhance the via-
19 bility, defensibility, and management of pre-
20 serves; and

21 “(H) restore natural hydrological effects
22 including sediment and erosion control, drain-
23 age, percolation, and other water quality im-
24 provement capacity.

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

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

9 “(A) the principal will be inviolate, but in-
10 come from the principal will be used to accom-
11 plish the goals of the trust; and

12 “(B) expenditures of all funds from each
13 trust account are based on an annual budget
14 approved by the Secretary.

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

18 “(d) RESTRICTION ON LOCATION OF PROJECTS TO
19 BE FUNDED BY TRUST.—Projects eligible for funding
20 under this section must be located within the service areas
21 of the Oglala Sioux Rural Water Supply System, the Rose-
22 bud Sioux Rural Water System, or the Lower Brule Sioux
23 Rural Water System.

24 “(e) REPORTING REQUIREMENTS ON TRUST.—The
25 Secretary shall annually report on the operation and man-

1 agement of each Trust to the Committee Appropriations,
2 the Committee on Energy and Natural Resources, and the
3 Committee on Indian Affairs of the Senate, and the Com-
4 mittee on Appropriations and the Committee on Natural
5 Resources of the House of Representatives.

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

8 “(a) AUTHORIZATION.—The Secretary shall make a
9 Federal contribution in the form of a Federal grant to
10 the West River and Lyman-Jones Bio-Diversity Trusts.
11 The Federal contribution shall not exceed \$9,000,000 and
12 shall be paid in 5 annual installments beginning in fiscal
13 year 1995.

14 “(b) ELIGIBILITY REQUIREMENTS FOR FEDERAL
15 CONTRIBUTIONS.—The West River and Lyman-Jones
16 Bio-Diversity Trusts shall be eligible to receive Federal
17 contributions pursuant to subsection (a) if they comply
18 with the following requirements:

19 “(1) Each Trust shall be established and oper-
20 ated as a nonprofit corporation under the laws of
21 the State of South Dakota.

22 “(2) The corporate purposes of each Trust shall
23 be to select and provide funding to projects that re-
24 store, protect, and enhance wildlife and wildlife habi-

1 tat within the West River and Lyman-Jones service
2 areas described in section 4(d) of this Act.

3 “(3) Each Trust shall be under the direction of
4 a Board of Trustees having the power to manage all
5 the affairs of the corporation, including administra-
6 tion, data collection, and implementation of the pur-
7 poses of the Trust.

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

13 “(c) OPERATIONAL REQUIREMENTS OF TRUSTS.—
14 The West River and Lyman-Jones Bio-Diversity Trusts
15 shall be deemed to be operating in accordance with this
16 section if the following conditions are met:

17 “(1) Each Trust shall be operated to select and
18 provide funding to projects that protect, restore, and
19 maintain plant and animal communities and large-
20 scale natural ecosystems in accordance with its cor-
21 porate purposes. Projects eligible for funding by the
22 Trust include those that—

23 “(A) reconstitute natural biological diver-
24 sity that has been diminished;

1 “(B) assist the recovery of species popu-
2 lations, communities, and ecosystems that are
3 unable to survive on site without intervention;

4 “(C) allow reintroduction and reoccupation
5 by native flora and fauna;

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

8 “(E) restore natural habitat for the re-
9 cruitment and survival of fish, waterfowl, and
10 other wildlife;

11 “(F) add to structural and compositional
12 values of existing preserves or enhance the via-
13 bility, defensibility, and management of pre-
14 serves; and

15 “(G) restore natural hydrological effects
16 including sediment and erosion control drain-
17 age, percolation, and other water quality im-
18 provement capacity.

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

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

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

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

7 Section 10 is amended to read as follows:

8 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) PLANNING, DESIGN, AND CONSTRUCTION.—
10 There are authorized to be appropriated \$263,241,000 for
11 the planning, design, and construction of the Oglala Sioux
12 Rural Water Supply System, the Rosebud Sioux Rural
13 Water System, the Lower Brule Sioux Rural Water Sys-
14 tem, the West River Rural Water Supply System, and the
15 Lyman-Jones Rural Water System described in sections
16 3, 3A, 3B, and 4. Such funds are authorized to be appro-
17 priated only through the end of the year 2003. The funds
18 authorized to be appropriated by the first sentence of this
19 section, less any amounts previously obligated for the Sys-
20 tems, may be increased or decreased by such amounts as
21 may be justified by reason of ordinary fluctuations in de-
22 velopment costs incurred after October 1, 1992, as indi-
23 cated by engineering costs indices applicable for the type
24 of construction involved.

1 “(b) OPERATION AND MAINTENANCE OF OGLALA
2 SIOUX RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX
3 RURAL WATER SYSTEM, AND LOWER BRULE SIOUX
4 RURAL WATER SYSTEM.—There are authorized to be ap-
5 propriated such sums as may be necessary for the oper-
6 ation and maintenance of the Oglala Sioux Rural Water
7 Supply System, Rosebud Sioux Rural Water System, and
8 Lower Brule Sioux Rural Water System.

9 “(c) BIO-DIVERSITY TRUSTS.—There is authorized
10 to be appropriated \$26,500,000 for the establishment, op-
11 eration, and maintenance of the bio-diversity trusts estab-
12 lished under sections 6A and 6B of this Act. The Sec-
13 retary shall utilize \$1,500,000 of the funds authorized
14 under this subsection as start-up funds for the trusts. The
15 funds authorized by this subsection may be increased by
16 such amounts as may be justified by reason of ordinary
17 fluctuations in development costs incurred after January
18 1, 1994.

19 “(d) WASTEWATER DISPOSAL SYSTEMS FEASIBILITY
20 STUDIES.—There is authorized to be appropriated such
21 sums as may be necessary to complete the feasibility stud-
22 ies authorized by section 12(c).”.

23 **SEC. 13. WATER RIGHTS.**

24 Section 11(5) is amended—

1 (1) by inserting “rights, benefits, privileges or
2 claims, including” after “affect any”;

3 (2) by inserting “the Rosebud Sioux Tribe, and
4 the Lower Brule Sioux Tribe,” after “Tribe,” the
5 first place it appears;

6 (3) by striking “the Pine Ridge Indian Reserva-
7 tion” and inserting “their respective reservations”;
8 and

9 (4) by striking “Tribe,” the second place it ap-
10 pears and inserting “Tribe, the Rosebud Sioux
11 Tribe, the Lower Brule Sioux Tribe,”.

12 **SEC. 14. FEASIBILITY STUDIES.**

13 (a) ALTERNATE USES.—Section 3 of Public Law 97-
14 273, as amended by section 12(b) of the Mni Wiconi
15 Project Act of 1988, is amended by inserting “and all In-
16 dian tribes residing on reservations within the State of
17 South Dakota,” after “South Dakota,” the first place it
18 appears.

19 (b) WASTEWATER DISPOSAL SYSTEMS.—Section 12
20 is amended by adding at the end the following new sub-
21 section:

22 “(c) WASTEWATER DISPOSAL SYSTEMS.—(1) The
23 Secretary shall, in consultation with the Oglala Sioux
24 Tribe, the Rosebud Sioux Tribe, and the Lower Brule
25 Sioux Tribe, conduct feasibility studies on the need to de-

1 velop wastewater disposal facilities and systems, and reha-
2 bilitate existing wastewater disposal facilities and systems,
3 on the Pine Ridge Indian Reservation, Rosebud Indian
4 Reservation, and Lower Brule Indian Reservation, and to
5 report to the Congress the findings of such studies with
6 the recommendations of the Secretary.

7 “(2) The feasibility studies authorized under this
8 subsection shall be completed and presented to the Con-
9 gress not later than 1 year after the date that funds are
10 first made available by the Secretary to complete the stud-
11 ies.”.

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