

110TH CONGRESS
1ST SESSION

H. R. 155

To provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Ms. HERSETH introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

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 “Lower Brule and Crow
5 Creek Tribal Compensation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Pick-Sloan Missouri River Basin Pro-
9 gram (authorized by section 9 of the Act of Decem-

1 ber 22, 1944 (commonly known as the “Flood Con-
2 trol Act of 1944”) (58 Stat. 891)), was approved to
3 promote the general economic development of the
4 United States;

5 (2) the Fort Randall and Big Bend dam and
6 reservoir projects in South Dakota—

7 (A) are major components of the Pick-
8 Sloan Missouri River Basin Program; and

9 (B) contribute to the national economy;

10 (3) the Fort Randall and Big Bend projects in-
11 undated the fertile bottom land of the Lower Brule
12 and Crow Creek Sioux Tribes, which greatly dam-
13 aged the economy and cultural resources of the
14 Tribes;

15 (4) Congress has provided compensation to sev-
16 eral Indian tribes, including the Lower Brule and
17 Crow Creek Sioux Tribes, that border the Missouri
18 River and suffered injury as a result of 1 or more
19 Pick-Sloan Projects;

20 (5) the compensation provided to those Indian
21 tribes has not been consistent;

22 (6) Missouri River Indian tribes that suffered
23 injury as a result of 1 or more Pick-Sloan Projects
24 should be adequately compensated for those injuries,

1 and that compensation should be consistent among
2 the Tribes; and

3 (7) the Lower Brule Sioux Tribe and the Crow
4 Creek Sioux Tribe are entitled to receive additional
5 compensation for injuries described in paragraph
6 (6).

7 **SEC. 3. LOWER BRULE SIOUX TRIBE.**

8 Section 4(b) of the Lower Brule Sioux Tribe Infra-
9 structure Development Trust Fund Act (Public Law 105–
10 132; 111 Stat. 2565) is amended by striking
11 “\$39,300,000” and inserting “\$129,822,085”.

12 **SEC. 4. CROW CREEK SIOUX TRIBE.**

13 Section 4(b) of the Crow Creek Sioux Tribe Infra-
14 structure Development Trust Fund Act of 1996 (Public
15 Law 104–223; 110 Stat. 3027) is amended by striking
16 “\$27,500,000” and inserting “\$69,222,084”.

17 **SEC. 5. TREATMENT AS FINAL COMPENSATION.**

18 (a) This Act shall be considered to be full and final
19 compensation to the Lower Brule Sioux Tribe and the
20 Crow Creek Sioux Tribe for damages caused by construc-
21 tion of the Fort Randall Dam and the Big Bend Dam
22 under the Pick-Sloan Missouri River Basin Program.

23 (b) The Lower Brule Sioux Tribe and the Crow Creek
24 Sioux Tribe shall give up any further claim for compensa-

1 tion as a result of the Pick-Sloan Missouri River Basin
2 Program.

3 (c) The provisions of this Act, growing out of the
4 unique history of the Missouri River Basin Program, shall
5 not be considered as a precedent for any non-Missouri
6 River Basin Program Indian Tribe in any claim they
7 might make against the United States of America.

8 **SEC. 6. DEFINITION.**

9 A “non-Missouri River Basin Program Indian Tribe”
10 means any Indian Tribe, recognized by the Department
11 of Interior, that does not border the Missouri River.

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