

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-

ber 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891)), was approved to promote the general economic development of the United States;

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

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

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

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

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

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects 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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