

Calendar No. 1089

110TH CONGRESS
2D SESSION**S. 160****[Report No. 110–505]**

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 SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. THUNE (for himself and Mr. JOHNSON) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 25 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. DORGAN, without amendment

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Pick-Sloan Missouri River Basin Pro-
4 gram (authorized by section 9 of the Act of Decem-
5 ber 22, 1944 (commonly known as the “Flood Con-
6 trol Act of 1944”) (58 Stat. 891)), was approved to
7 promote the general economic development of the
8 United States;

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

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

13 (B) contribute to the national economy;

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

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

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

1 (6) Missouri River Indian tribes that suffered
 2 injury as a result of 1 or more Pick-Sloan Projects
 3 should be adequately compensated for those injuries,
 4 and that compensation should be consistent among
 5 the Tribes; and

6 (7) the Lower Brule Sioux Tribe and the Crow
 7 Creek Sioux Tribe are entitled to receive additional
 8 compensation for injuries described in paragraph
 9 (6).

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

11 Section 4(b) of the Lower Brule Sioux Tribe Infra-
 12 structure Development Trust Fund Act (Public Law 105–
 13 132; 111 Stat. 2565) is amended by striking
 14 “\$39,300,000” and inserting “\$129,822,085”.

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

16 Section 4(b) of the Crow Creek Sioux Tribe Infra-
 17 structure Development Trust Fund Act of 1996 (Public
 18 Law 104–223; 110 Stat. 3027) is amended by striking
 19 “\$27,500,000” and inserting “\$69,222,084”.

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

21 (a) **FULL AND FINAL COMPENSATION.**—This Act
 22 shall be considered to be full and final compensation to
 23 the Lower Brule Sioux Tribe and the Crow Creek Sioux
 24 Tribe for damages caused by construction of the Fort

1 Randall Dam and the Big Bend Dam under the Pick-
 2 Sloan Missouri River Basin Program.

3 (b) RELEASE OF FURTHER CLAIMS.—The Lower
 4 Brule Sioux Tribe and the Crow Creek Sioux Tribe shall
 5 release any further claim for compensation as a result of
 6 the Pick-Sloan Missouri River Basin Program.

7 (c) NO PRECEDENT FOR OTHER TRIBES.—

8 (1) DEFINITION OF NON-MISSOURI RIVER BASIN
 9 PROGRAM INDIAN TRIBE.—In this paragraph, the
 10 term “non-Missouri River Basin Program Indian
 11 tribe” means any federally recognized Indian tribe
 12 the land under the control of which does not border
 13 the Missouri River.

14 (2) NO PRECEDENT.—This Act—

15 (A) is a result of the unique history of the
 16 Missouri River Basin Program; and

17 (B) shall not be considered to be a prece-
 18 dent for any non-Missouri River Basin Program
 19 Indian tribe with respect to any potential claim
 20 of the non-Missouri River Basin Program In-
 21 dian tribe against the United States.

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