

The bill (S. 519), as amended, was read the third time and passed.

The title was amended so as to read: "A bill to determine the feasibility of establishing an Indian Tribal Development Corporation."

#### TRIBAL PARITY ACT

The Senate proceeded to consider the bill (S. 1530) 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, which had been reported from the Committee on Indian Affairs with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1530

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Parity Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 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, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

#### SEC. 3. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking "\$39,300,000" and inserting ["\$176,398,012"] "\$186,822,140".

#### SEC. 4. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking "\$27,500,000" and inserting ["\$100,244,040"] "\$105,917,853".

The amendments were agreed to.

The bill (S. 1530), as amended, was read the third time and passed, as follows:

S. 1530

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Parity Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 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, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

#### SEC. 3. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking "\$39,300,000" and inserting "\$186,822,140".

#### SEC. 4. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking "\$27,500,000" and inserting "\$105,917,853".

#### OGLALA SIOUX TRIBE ANGOSTURA IRRIGATION PROJECT MODERNIZATION AND DEVELOPMENT ACT

The Senate proceeded to consider the bill (S. 1996) to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1996

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the "Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act".

#### [SEC. 2. FINDINGS.

[Congress finds that—

[(1) Congress approved the Pick-Sloan Missouri River basin program by passing the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 701-1 et seq.)—

[(A) to promote the economic development of the United States;

[(B) to provide for irrigation in regions north of Sioux City, Iowa;

[(C) to protect urban and rural areas from devastating floods of the Missouri River; and

[(D) for other purposes;

[(2) the Angostura Unit—

[(A) is a component of the Pick-Sloan program; and

[(B) provides for—

[(i) irrigation of 12,218 acres of productive farm land in the State; and

[(ii) substantial recreation and fish and wildlife benefits;

[(3) the Commissioner of Reclamation has determined that—

[(A) the national economic development benefits from irrigation at the Angostura Unit total approximately \$3,410,000 annually; and

[(B) the national economic development benefits of recreation at Angostura Reservoir total approximately \$7,100,000 annually;

[(4) the Angostura Unit impounds the Cheyenne River 20 miles upstream of the Pine Ridge Indian Reservation in the State;

[(5)(A) the Reservation experiences extremely high rates of unemployment and poverty; and

[(B) there is a need for economic development on the Reservation;

[(6) the national economic development benefits of the Angostura Unit do not extend to the Reservation;

[(7) the Angostura Unit may be associated with negative affects on water quality and riparian vegetation in the Cheyenne River on the Reservation;

[(8) rehabilitation of the irrigation facilities at the Angostura Unit would—

[(A) enhance the national economic development benefits of the Angostura Unit; and

[(B) result in improved water efficiency and environmental restoration benefits on the Reservation; and

[(9) the establishment of a trust fund for the Oglala Sioux Tribe would—

[(A) produce economic development benefits for the Reservation comparable to the benefits produced at the Angostura Unit; and

[(B) provide resources that are necessary for restoration of the Cheyenne River corridor on the Reservation.

#### [SEC. 3. DEFINITIONS.

[In this Act:

[(1) ANGOSTURA UNIT.—The term "Angostura Unit" means the irrigation unit of the Angostura irrigation project developed under the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

[(2) FUND.—The term "Fund" means the Oglala Sioux Tribal Development Trust Fund established by section 201(a).

[(3) PICK-SLOAN PROGRAM.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River basin program approved under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 701-1 et seq.).

[(4) PLAN.—The term "plan" means the development plan developed by the Tribe under section 201(f).

[(5) RESERVATION.—The term "Reservation" means the Pine Ridge Indian Reservation in the State.

[(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

[(7) STATE.—The term "State" means the State of South Dakota.

[(8) TRIBAL COUNCIL.—The term “Tribal Council” means the governing body of the Tribe.

[(9) TRIBE.—The term “Tribe” means the Oglala Sioux Tribe of South Dakota.

# **[TITLE I—REHABILITATION]**

## **[SEC. 101. REHABILITATION OF FACILITIES AT ANGOSTURA UNIT.]**

[The Secretary may carry out the rehabilitation and improvement of the facilities at the Angostura Project described in the report entitled “Angostura Unit Contract Negotiation and Water Management Final Environmental Impact Statement”, dated August 2002.

## **[SEC. 102. DELIVERY OF WATER TO PINE RIDGE INDIAN RESERVATION.]**

[The Secretary shall provide for—

[(1) to the maximum extent practicable, the delivery of water saved through the rehabilitation and improvement of the facilities of the Angostura Unit to the Pine Ridge Indian Reservation; and

[(2) the use of that water for purposes of environmental restoration on the Pine Ridge Indian Reservation.

## **[SEC. 103. EFFECT ON OTHER LAW.]**

[Nothing in this title affects—

[(1) any reserved water rights or other rights of the Tribe;

[(2) any service or program to which, in accordance with Federal law, the Tribe, or an individual member of the Tribe, is entitled; or

[(3) any water rights in existence on the date of enactment of this Act held by any person or entity.

## **[SEC. 104. AUTHORIZATION OF APPROPRIATIONS.]**

[There is authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

# **[TITLE II—DEVELOPMENT]**

## **[SEC. 201. OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.]**

[(a) OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the “Oglala Sioux Tribal Development Trust Fund”, consisting of any amounts deposited in the Fund under this title.

[(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit in the Fund—

[(1) such sums as the Secretary of the Treasury, in consultation with the Secretary, the Secretary of Health and Human Services, and the Tribal Council, are necessary to carry out development under this title; and

[(2) the amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if that amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

[(c) INVESTMENT OF TRUST FUND.—

[(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

[(2) ACQUISITION OF OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

[(3) INTEREST.—The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

[(d) PAYMENT OF INTEREST TO TRIBE.—

[(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall transfer the aggregate amount of interest deposited into the Fund for the fiscal year to the Secretary for use in accordance with paragraph (3).

[(2) AVAILABILITY.—Each amount transferred under paragraph (1) shall be available without fiscal year limitation.

[(3) PAYMENTS TO TRIBE.—

[(A) IN GENERAL.—The Secretary shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

[(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

[(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

[(e) LIMITATION ON TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury shall not transfer or withdraw any amount deposited under subsection (b).

[(f) DEVELOPMENT PLAN.—

[(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d).

[(2) CONTENTS.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

[(A) economic development;

[(B) infrastructure development;

[(C) the educational, health, recreational, and social welfare objectives of the Tribe and members of the Tribe; or

[(D) any combination of the activities described in subparagraphs (A) through (C).

[(3) PLAN REVIEW AND REVISION.—

[(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

[(B) UPDATING OF PLAN.—

[(i) IN GENERAL.—The Tribal Council may, on an annual basis, revise the plan to update the plan.

[(ii) REVIEW AND COMMENT.—In revising the plan, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

[(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary and the Secretary of Health and Human Services.

[(4) AUDIT.—

[(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

[(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit under subparagraph (A) shall—

[(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

[(ii) include in the written findings of the audit the determination made under clause (i).

[(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

[(g) PROHIBITION OF PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

## **[SEC. 202. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.]**

[No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

[(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

[(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

## **[SEC. 203. AUTHORIZATION OF APPROPRIATIONS.]**

[There are authorized to be appropriated such sums as are necessary to pay the administrative expenses of the Fund.]

## **SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Oglala Sioux Tribe Angostura Irrigation Project Modernization and Development Act”.*

## **SEC. 2. FINDINGS.**

*Congress finds that—*

(1) Congress approved the Pick-Sloan Missouri River basin program by passing the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 701-1 et seq.);—

(A) to promote the economic development of the United States;

(B) to provide for irrigation in regions north of Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Angostura Unit—

(A) is a component of the Pick-Sloan program; and

(B) provides for—

(i) irrigation of 12,218 acres of productive farmland in South Dakota; and

(ii) substantial recreation and fish and wildlife benefits;

(3) the Commissioner of Reclamation has determined that—

(A) the national economic development benefits from irrigation at the Angostura Unit total approximately \$3,410,000 annually; and

(B) the national economic development benefits of recreation at Angostura Reservoir total approximately \$7,100,000 annually;

(4) the Angostura Unit impounds the Cheyenne River 20 miles upstream of the Pine Ridge Indian Reservation in South Dakota;

(5)(A) the Reservation experiences extremely high rates of unemployment and poverty; and

(B) there is a need for economic development on the Reservation;

(6) the national economic development benefits of the Angostura Unit do not extend to the Reservation;

(7) the Angostura Unit may be associated with negative effects on water quality and riparian vegetation in the Cheyenne River on the Reservation;

(8) modernization of the irrigation facilities at the Angostura Unit would—

(A) enhance the national economic development benefits of the Angostura Unit; and

(B) result in improved water efficiency and environmental restoration benefits on the Reservation; and

(9) the establishment of a trust fund for the Oglala Sioux Tribe would—

(A) produce economic development benefits for the Reservation comparable to the benefits produced at the Angostura Unit; and

(B) provide resources that are necessary for restoration of the Cheyenne River corridor on the Reservation.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ANGOSTURA UNIT.**—The term “Angostura Unit” means the irrigation unit of the Angostura irrigation project developed under the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(2) **FUND.**—The term “Fund” means the Oglala Sioux Tribal Development Trust Fund established by section 201(a).

(3) **PICK-SLOAN PROGRAM.**—The term “Pick-Sloan program” means the Pick-Sloan Missouri River basin program approved under the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 701-1 et seq.).

(4) **PLAN.**—The term “plan” means the development plan developed by the Tribe under section 201(f).

(5) **RESERVATION.**—The term “Reservation” means the Pine Ridge Indian Reservation in the State.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **TRIBE.**—The term “Tribe” means the Oglala Sioux Tribe of South Dakota.

(8) **TRIBAL COUNCIL.**—The term “Tribal Council” means the governing body of the Tribe.

### TITLE I—MODERNIZATION

#### SEC. 101. MODERNIZATION OF FACILITIES AT ANGOSTURA UNIT.

(a) **IN GENERAL.**—The Secretary shall carry out the modernization and improvement of the facilities at the Angostura Unit as described in the Improved Efficiencies Alternative included in the report entitled “Final Environmental Impact Statement, Angostura Unit Contract Negotiation and Water Management (August 2002)”.

(b) **NONREIMBURSABILITY.**—The cost of the modernization and improvement of the facilities at the Angostura Unit shall be carried out on a nonreimbursable basis.

#### SEC. 102. DELIVERY OF WATER TO PINE RIDGE INDIAN RESERVATION.

The Secretary shall provide for the delivery of the water saved through the modernization and improvement of the facilities of the Angostura Unit to be used for fish and wildlife purposes and environmental restoration on the Reservation.

#### SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out section 101 \$4,660,000, to remain available until expended.

### TITLE II—DEVELOPMENT

#### SEC. 201. OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.

(a) **OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.**—There is established in the Treasury of the United States a fund to be known as the “Oglala Sioux Tribal Development Trust Fund”, consisting of any amounts deposited in the Fund under this title.

(b) **FUNDING.**—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit in the Fund—

(1) \$92,500,000; and

(2) the amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if that amount had been invested in interest-bearing obligations of the United States on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) **INVESTMENT OF TRUST FUND.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) **ELIGIBLE OBLIGATIONS.**—Notwithstanding any other provision of law, the Secretary of the

Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

(3) **INTEREST.**—The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) **PAYMENT OF INTEREST TO TRIBE.**—

(1) **WITHDRAWAL OF INTEREST.**—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall transfer the aggregate amount of interest deposited into the Fund for the fiscal year to the Secretary for use in accordance with paragraph (3).

(2) **AVAILABILITY.**—Each amount transferred under paragraph (1) shall be available without fiscal year limitation.

(3) **PAYMENTS TO TRIBE.**—

(A) **IN GENERAL.**—The Secretary shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) **LIMITATION.**—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) **USE OF PAYMENTS BY TRIBE.**—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) **LIMITATION ON TRANSFERS AND WITHDRAWALS.**—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury shall not transfer or withdraw any amount deposited under subsection (b).

(f) **DEVELOPMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d).

(2) **CONTENTS.**—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and members of the Tribe; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) **PLAN REVIEW AND REVISION.**—

(A) **IN GENERAL.**—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) **UPDATING OF PLAN.**—

(1) **IN GENERAL.**—The Tribal Council may, on an annual basis, revise the plan to update the plan.

(ii) **REVIEW AND COMMENT.**—In revising the plan, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) **CONSULTATION.**—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary and the Secretary of Health and Human Services.

(4) **AUDIT.**—

(A) **IN GENERAL.**—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) **DETERMINATION BY AUDITORS.**—The auditors that conduct the audit under subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the

plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) **INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.**—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) **PROHIBITION OF PER CAPITA PAYMENTS.**—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

#### SEC. 202. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

#### SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to pay the administrative expenses of the Fund.

#### SEC. 204. WATER RIGHTS.

Nothing in this Act—

(1)(A) affects any rights, benefits, privileges or claims (including water rights or claims to water rights) of the Tribe, whether located within or without the external boundaries of the Reservation, based on treaty, Executive order, agreement, Act of Congress, aboriginal title, the Winters doctrine (*Winters v. United States*, 207 U.S. 564 (1908)), or otherwise; or

(B) validates or invalidates any assertion of the existence, nonexistence or extinguishment of any water rights, or claims to water rights, held by the Tribe or any other Indian tribe or individual Indian under Federal or State law; or

(2) affects any other water rights in existence on the date of enactment of this Act held by any person or entity.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1996), as amended, was read the third time and passed.

#### SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION GRAND COULEE DAM EQUITABLE COMPENSATION SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 1438) to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the “Spokane Tribe of Indians of the Spokane Reservation