

111TH CONGRESS
1ST SESSION

H. R. 1562

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

MARCH 17, 2009

Ms. HERSETH SANDLIN 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) FULL AND FINAL COMPENSATION.—This Act
19 shall be considered to be full and final compensation to
20 the Lower Brule Sioux Tribe and the Crow Creek Sioux
21 Tribe for damages caused by construction of the Fort
22 Randall Dam and the Big Bend Dam under the Pick-
23 Sloan Missouri River Basin Program.

24 (b) RELINQUISHMENT OF FURTHER CLAIMS.—The
25 Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe

1 shall give up any further claim for compensation as a re-
2 sult of the Pick-Sloan Missouri River Basin Program.

3 (c) NO PRECEDENT.—The provisions of this Act,
4 growing out of the unique history of the Missouri River
5 Basin Program, shall not be considered as a precedent for
6 any non-Missouri River Basin Program Indian Tribe in
7 any claim they might make against the United States of
8 America.

9 **SEC. 6. DEFINITION.**

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

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