

104TH CONGRESS
1ST SESSION

S. 1264

To provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20 (legislative day, SEPTEMBER 5), 1995

Mr. DASCHLE introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes.

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 “Crow Creek Sioux
5 Tribe Infrastructure Development Trust Fund Act of
6 1995”.

7 **SEC. 2. FINDINGS.**

8 (a) FINDINGS.—The Congress finds that—

9 (1) the Congress approved the Missouri River
10 basin Pick-Sloan project by passing the Act of De-

1 cember 22, 1944, commonly known as the “Flood
2 Control Act of 1944” (58 Stat. 887, chapter 665; 33
3 U.S.C. 701–1 et seq.)—

4 (A) to promote the general economic devel-
5 opment of the United States;

6 (B) to provide for irrigation above Sioux
7 City, Iowa;

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

10 (D) for other purposes;

11 (2) the Fort Randall and Big Bend projects are
12 major components of the Pick-Sloan project, and
13 contribute to the national economy by generating a
14 substantial amount of hydropower and impounding a
15 substantial quantity of water;

16 (3) the Fort Randall and Big Bend projects
17 overlie the western boundary of the Crow Creek In-
18 dian Reservation, having inundated the fertile, wood-
19 ed bottom lands of the Tribe along the Missouri
20 River that constituted the most productive agricul-
21 tural and pastoral lands of the Tribe and the home-
22 land of the members of the Tribe;

23 (4) Public Law 85–916 (72 Stat. 1766 et seq.)
24 authorized the acquisition of 9,418 acres of Indian
25 land on the Crow Creek Indian Reservation for the

1 Fort Randall project and Public Law 87–735 (76
2 Stat. 704 et seq.) authorized the acquisition of
3 6,179 acres of Indian land on Crow Creek for the
4 Big Bend project;

5 (5) Public Law 87–735 (76 Stat. 704 et seq.)
6 provided for the mitigation of the effects of the Fort
7 Randall and Big Bend projects on the Crow Creek
8 Indian Reservation, by directing the Secretary of the
9 Army to—

10 (A) replace, relocate, or reconstruct—

11 (i) any existing essential governmental
12 and agency facilities on the reservation, in-
13 cluding schools, hospitals, offices of the
14 Public Health Service and the Bureau of
15 Indian Affairs, service buildings, and em-
16 ployee quarters; and

17 (ii) roads, bridges, and incidental mat-
18 ters or facilities in connection with such fa-
19 cilities;

20 (B) provide for a townsite adequate for 50
21 homes, including streets and utilities (including
22 water, sewage, and electricity), taking into ac-
23 count the reasonable future growth of the town-
24 site; and

1 (C) provide for a community center con-
2 taining space and facilities for community gath-
3 erings, tribal offices, tribal council chamber, of-
4 fices of the Bureau of Indian Affairs, offices
5 and quarters of the Public Health Service, and
6 a combination gymnasium and auditorium;

7 (6) the Secretary of the Army and the Sec-
8 retary of the Interior have failed to meet the re-
9 quirements under Public Law 87-735 (76 Stat. 704
10 et seq.) with respect to the mitigation of the effects
11 of the Fort Randall and Big Bend projects on the
12 Crow Creek Indian Reservation;

13 (7) although the national economy has benefited
14 from the Fort Randall and Big Bend projects, the
15 economy on the Crow Creek Indian Reservation re-
16 mains underdeveloped, in part as a consequence of
17 the failure of the Federal Government to fulfill the
18 obligations of the Federal Government under the
19 laws referred to in paragraph (4);

20 (8) the economic and social development and
21 cultural preservation of the Crow Creek Sioux Tribe
22 will be enhanced by increased tribal participation in
23 the benefits of the Fort Randall and Big Bend com-
24 ponents of the Pick-Sloan project; and

1 (9) the Crow Creek Sioux Tribe is entitled to
2 additional benefits of the Missouri River basin Pick-
3 Sloan project, including hydropower revenues and in-
4 frastructure development.

5 **SEC. 3. DEFINITIONS.**

6 For the purposes of this Act, unless the context im-
7 plies otherwise, the following definitions shall apply:

8 (1) FUND.—The term “Fund” means the Crow
9 Creek Sioux Tribe Infrastructure Development
10 Trust Fund established under section 4(a).

11 (2) PLAN.—The term “plan” means the plan
12 for socioeconomic recovery and cultural preservation
13 prepared under section 5.

14 (3) PROGRAMS.—The term “Programs” means
15 the integrated programs of the Eastern Division of
16 the Missouri River basin Pick-Sloan program, ad-
17 ministered by the Western Area Power Administra-
18 tion, as determined by the Secretary.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (5) TRIBE.—The term “Tribe” means the Crow
22 Creek Sioux Tribe.

1 **SEC. 4. ESTABLISHMENT OF CROW CREEK SIOUX TRIBE IN-**
2 **FRAS**TRUCTURE **DEVELOPMENT TRUST**
3 **FUND.**

4 (a) CROW CREEK SIOUX TRIBE INFRASTRUCTURE
5 DEVELOPMENT TRUST FUND.—There is established in
6 the Treasury of the United States a fund to be known
7 as the “Crow Creek Sioux Tribe Infrastructure Develop-
8 ment Trust Fund”.

9 (b) FUNDING.—Beginning with fiscal year 1997, and
10 for each fiscal year thereafter, until such time as the ag-
11 gregate of the amounts deposited in the Fund is equal to
12 \$27,500,000, the Secretary of the Treasury shall deposit
13 into the Fund an amount equal to 25 percent of the re-
14 ceipts from the deposits to the Treasury of the United
15 States for the preceding fiscal year from the Programs.

16 (c) INVESTMENTS.—The Secretary of the Treasury
17 shall invest the amounts deposited under subsection (b)
18 only in interest-bearing obligations of the United States
19 or in obligations guaranteed as to both principal and inter-
20 est by the United States.

21 (d) PAYMENT OF INTEREST TO TRIBE.—

22 (1) ESTABLISHMENT OF ACCOUNT AND TRANS-
23 FER OF INTEREST.—The Secretary of the Treasury
24 shall, in accordance with this subsection, transfer
25 any interest that accrues on amounts deposited
26 under subsection (b) into a separate account estab-

1 lished by the Secretary of the Treasury in the Treas-
2 ury of the United States.

3 (2) PAYMENTS.—

4 (A) IN GENERAL.—Beginning with the fis-
5 cal year immediately following the fiscal year
6 during which the aggregate of the amounts de-
7 posited in the Fund is equal to the amount
8 specified in subsection (b)(2), and for each fis-
9 cal year thereafter, all amounts transferred
10 under paragraph (1) shall be available, without
11 fiscal year limitation, to the Secretary of the In-
12 terior for use in accordance with subparagraph
13 (C).

14 (B) WITHDRAWAL AND TRANSFER OF
15 FUNDS.—For each fiscal year specified in sub-
16 paragraph (A), the Secretary of the Treasury
17 shall withdraw amounts from the account estab-
18 lished under such paragraph and transfer such
19 amounts to the Secretary of the Interior for use
20 in accordance with subparagraph (C). The Sec-
21 retary of the Treasury may only withdraw
22 funds from the account for the purpose speci-
23 fied in this paragraph.

24 (C) PAYMENTS TO TRIBE.—The Secretary
25 of the Interior shall use the amounts trans-

1 ferred to the Secretary under subparagraph (B)
2 only for the purpose of making payments to the
3 Tribe.

4 (D) USE OF PAYMENTS BY TRIBE.—The
5 Tribe shall use the payments made under sub-
6 paragraph (C) only for carrying out projects
7 and programs pursuant to the plan prepared
8 under section 5.

9 (3) PROHIBITION ON PER CAPITA PAYMENTS.—
10 No portion of any payment made under this sub-
11 section may be distributed to any member of the
12 Tribe on a per capita basis.

13 (e) TRANSFERS AND WITHDRAWALS.—

14 (1) AMOUNTS DEPOSITED IN THE FUND.—Ex-
15 cept as provided in subsection (d)(1), the Secretary
16 of the Treasury may not transfer or withdraw any
17 amount deposited under subsection (b).

18 (2) AMOUNTS TRANSFERRED TO ACCOUNT.—
19 Except as provided in subsection (d)(2), the Sec-
20 retary of the Treasury may not transfer or withdraw
21 any amounts transferred to the account established
22 under subsection (d)(1).

23 **SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CUL-**
24 **TURAL PRESERVATION.**

25 (a) PLAN.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior, acting through the Bureau of Indian Affairs, in
3 cooperation with the Secretary of Health and
4 Human Services, acting through the Indian Health
5 Service, and the Crow Creek Tribal Council, shall
6 prepare a plan for the use of payments made to the
7 Tribe under section 4(d)(2).

8 (2) REQUIREMENTS FOR PLAN COMPONENTS.—
9 The plan shall, with respect to each component of
10 the plan—

11 (A) identify the costs and benefits of that
12 component; and

13 (B) provide plans for that component.

14 (3) APPROVAL OF CROW CREEK TRIBAL COUN-
15 CIL.—The plan shall be subject to the approval of
16 the Crow Creek Tribal Council.

17 (4) SUBMITTAL TO CONGRESS.—Not later than
18 2 years after the date of enactment of this Act, the
19 Secretary shall submit the plan to Congress.

20 (b) CONTENT OF PLAN.—The plan shall include the
21 following programs and components:

22 (1) EDUCATIONAL FACILITY.—The plan shall
23 provide for an educational facility to be located on
24 the Crow Creek Indian Reservation.

1 (2) COMPREHENSIVE INPATIENT AND OUT-
2 PATIENT HEALTH CARE FACILITY.—The plan shall
3 provide for a comprehensive inpatient and outpatient
4 health care facility to provide essential services that
5 the Secretary, in consultation with the individuals
6 and entities referred to in subsection (a)(1), deter-
7 mines to be—

8 (A) needed; and

9 (B) unavailable through existing facilities
10 of the Indian Health Service on the Crow Creek
11 Indian Reservation at the time of the deter-
12 mination.

13 (3) WATER SYSTEM.—The plan shall provide
14 for the construction, operation, and maintenance of
15 a municipal, rural, and industrial water system for
16 the Crow Creek Indian Reservation.

17 (4) IRRIGATION FACILITIES.—The plan shall
18 provide for irrigation facilities for not less than
19 1,792 acres.

20 (5) RECREATIONAL FACILITIES.—The plan
21 shall provide for recreational facilities suitable for
22 high-density recreation at Lake Sharpe at Big Bend
23 Dam in South Dakota.

24 (6) OTHER PROJECTS AND PROGRAMS.—The
25 plan shall provide for such other projects and pro-

1 grams for the educational, social welfare, economic
2 development, and cultural preservation of the Tribe
3 as the Secretary, in consultation with the individuals
4 and entities referred to in subsection (a)(1), consid-
5 ers to be appropriate.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such funds
8 as may be necessary to carry out this Act, including such
9 funds as may be necessary to cover the administrative ex-
10 penses of the Crow Creek Sioux Tribe Infrastructure De-
11 velopment Trust Fund established under section 4.

12 **SEC. 7. EFFECT OF PAYMENTS TO TRIBE.**

13 (a) IN GENERAL.—No payment made to the Tribe
14 pursuant to this Act shall result in the reduction or denial
15 of any service or program to which, pursuant Federal
16 law—

17 (1) the Tribe is otherwise entitled because of
18 the status of the Tribe as a federally recognized In-
19 dian tribe; or

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

23 (b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

1 (1) POWER RATES.—No payment made pursu-
2 ant to this Act shall affect Missouri River basin
3 Pick-Sloan power rates.

4 (2) STATUTORY CONSTRUCTION.—Nothing in
5 this Act may be construed as diminishing or affect-
6 ing—

7 (A) any right of the Tribe that is not oth-
8 erwise addressed in this Act; or

9 (B) any treaty obligation of the United
10 States.

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