

Calendar No. 744106TH CONGRESS
2^D SESSION**S. 1148****[Report No. 106-367]**

To provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 1999

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

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr. CAMPBELL, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Yankton Sioux Tribe
3 and Santee Sioux Tribe of Nebraska Development Trust
4 Fund Act”.

5 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds that—

7 (1) by enacting the Act of December 22, 1944,
8 commonly known as the “Flood Control Act of
9 1944” (58 Stat. 887, chapter 665; 33 U.S.C. 701–
10 1 et seq.) Congress approved the Pick-Sloan Mis-
11 souri River Basin program (referred to in this sec-
12 tion as the “Pick-Sloan program”)—

13 (A) to promote the general economic devel-
14 opment of the United States;

15 (B) to provide for irrigation above Sioux
16 City, Iowa;

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

19 (D) for other purposes;

20 (2) the waters impounded for the Fort Randall
21 and Gavins Point projects of the Pick-Sloan pro-
22 gram have inundated the fertile, wooded bottom
23 lands along the Missouri River that constituted the
24 most productive agricultural and pastoral lands of,
25 and the homeland of, the members of the Yankton
26 Sioux Tribe and the Santee Sioux Tribe;

1 (3) the Fort Randall project (including the Fort
2 Randall Dam and Reservoir)—

3 (A) overlies the western boundary of the
4 Yankton Sioux Tribe Indian Reservation; and

5 (B) has caused the erosion of more than
6 400 acres of prime land on the Yankton Sioux
7 Reservation adjoining the east bank of the Mis-
8 souri River;

9 (4) the Gavins Point project (including the Gav-
10 ins Point Dam and Reservoir) overlies the eastern
11 boundary of the Santee Sioux Tribe;

12 (5) although the Fort Randall and Gavins Point
13 projects are major components of the Pick-Sloan
14 program, and contribute to the economy of the
15 United States by generating a substantial amount of
16 hydropower and impounding a substantial quantity
17 of water, the reservations of the Yankton Sioux
18 Tribe and the Santee Sioux Tribe remain undevel-
19 oped;

20 (6) the United States Army Corps of Engineers
21 took the Indian lands used for the Fort Randall and
22 Gavins Point projects by condemnation proceedings;

23 (7) the Federal Government did not give
24 Yankton Sioux Tribe and the Santee Sioux Tribe an
25 opportunity to receive compensation for direct dam-

1 ages from the Pick-Sloan program, even though the
2 Federal Government gave 5 Indian reservations up-
3 stream from the reservations of those Indian tribes
4 such an opportunity;

5 (8) the Yankton Sioux Tribe and the Santee
6 Sioux Tribe did not receive just compensation for
7 the taking of productive agricultural Indian lands
8 through the condemnation referred to in paragraph
9 (6);

10 (9) the settlement agreement that the United
11 States entered into with the Yankton Sioux Tribe
12 and the Santee Sioux Tribe to provide compensation
13 for the taking by condemnation referred to in para-
14 graph (6) did not take into account the increase in
15 property values over the years between the date of
16 taking and the date of settlement; and

17 (10) in addition to the financial compensation
18 provided under the settlement agreements referred
19 to in paragraph (9)—

20 (A) the Yankton Sioux Tribe should re-
21 ceive an aggregate amount equal to
22 \$34,323,743 for—

23 (i) the loss value of 2,851.40 acres of
24 Indian land taken for the Fort Randall

1 Dam and Reservoir of the Pick-Sloan pro-
2 gram; and

3 (ii) the use value of 408.40 acres of
4 Indian land on the reservation of that In-
5 dian tribe that was lost as a result of
6 stream bank erosion that has occurred
7 since 1953; and

8 (B) the Santee Sioux Tribe should receive
9 an aggregate amount equal to \$8,132,838 for
10 the loss value of—

11 (i) 593.10 acres of Indian land lo-
12 cated near the Santee village; and

13 (ii) 414.12 acres on Niobrara Island
14 of the Santee Sioux Tribe Indian Reserva-
15 tion used for the Gavins Point Dam and
16 Reservoir.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) INDIAN TRIBE.—The term “Indian tribe”
20 has the meaning given that term in section 4(e) of
21 the Indian Self-Determination and Education Assist-
22 ance Act (25 U.S.C. 450b(e)).

23 (2) PROGRAM.—The term “Program” means
24 the power program of the Pick-Sloan Missouri River

1 Basin program, administered by the Western Area
2 Power Administration.

3 (3) Santee Sioux Tribe.—The term “Santee
4 Sioux Tribe” means the Santee Sioux Tribe of Ne-
5 braska.

6 **SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST**
7 **FUND.**

8 (a) ESTABLISHMENT.—There is established in the
9 Treasury of the United States a fund to be known as the
10 “Yankton Sioux Tribe Development Trust Fund” (re-
11 ferred to in this section as the “Fund”). The Fund shall
12 consist of any amounts deposited in the Fund under this
13 Act.

14 (b) FUNDING.—Out of any money in the Treasury
15 not otherwise appropriated, the Secretary of the Treasury
16 shall deposit \$34,323,743 into the Fund not later than
17 60 days after the date of enactment of this Act.

18 (c) INVESTMENTS.—The Secretary of the Treasury
19 shall invest the amounts deposited under subsection (b)
20 in interest-bearing obligations of the United States or in
21 obligations guaranteed as to both principal and interest
22 by the United States. The Secretary of the Treasury shall
23 deposit interest resulting from such investments into the
24 Fund.

1 (d) PAYMENT OF INTEREST TO YANKTON SIOUX
2 TRIBE.—

3 (1) WITHDRAWAL OF INTEREST.—Beginning at
4 the end of the first fiscal year in which interest is
5 deposited into the Fund, the Secretary of the Treas-
6 ury shall withdraw the aggregate amount of interest
7 deposited into the Fund for that fiscal year and
8 transfer that amount to the Secretary of the Interior
9 for use in accordance with paragraph (2). Each
10 amount so transferred shall be available without fis-
11 cal year limitation.

12 (2) PAYMENTS TO YANKTON SIOUX TRIBE.—

13 (A) IN GENERAL.—The Secretary of the
14 Interior shall use the amounts transferred
15 under paragraph (1) only for the purpose of
16 making payments to the Yankton Sioux Tribe,
17 as such payments are requested by that Indian
18 tribe pursuant to tribal resolution.

19 (B) LIMITATION.—Payments may be made
20 by the Secretary of the Interior under subpara-
21 graph (A) only after the Yankton Sioux Tribe
22 has adopted a tribal plan under section 6.

23 (C) USE OF PAYMENTS BY YANKTON
24 SIOUX TRIBE.—The Yankton Sioux Tribe shall
25 use the payments made under subparagraph

1 (A) only for carrying out projects and programs
2 under the tribal plan prepared under section 6.

3 (D) PLEDGE OF FUTURE PAYMENTS.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), the Yankton Sioux Tribe may enter
6 into an agreement under which that Indian
7 tribe pledges future payments under this
8 paragraph as security for a loan or other
9 financial transaction.

10 (ii) LIMITATIONS.—The Yankton
11 Sioux Tribe—

12 (I) may enter into an agreement
13 under clause (i) only in connection
14 with the purchase of land or other
15 capital assets; and

16 (II) may not pledge, for any year
17 under an agreement referred to in
18 clause (i), an amount greater than 40
19 percent of any payment under this
20 paragraph for that year.

21 (e) TRANSFERS AND WITHDRAWALS.—Except as
22 provided in subsections (c) and (d)(1), the Secretary of
23 the Treasury may not transfer or withdraw any amount
24 deposited under subsection (b).

1 **SEC. 5. SANTEE SIOUX TRIBE OF NEBRASKA DEVELOP-**
2 **MENT TRUST FUND.**

3 (a) **ESTABLISHMENT.**—There is established in the
4 Treasury of the United States a fund to be known as the
5 “Santee Sioux Tribe of Nebraska Development Trust
6 Fund” (referred to in this section as the “Fund”). The
7 Fund shall consist of any amounts deposited in the Fund
8 under this Act.

9 (b) **FUNDING.**—Out of any money in the Treasury
10 not otherwise appropriated, the Secretary of the Treasury
11 shall deposit \$8,132,838 into the Fund not later than 60
12 days after the date of enactment of this Act.

13 (c) **INVESTMENTS.**—The Secretary of the Treasury
14 shall invest the amounts deposited under subsection (b)
15 in interest-bearing obligations of the United States or in
16 obligations guaranteed as to both principal and interest
17 by the United States. The Secretary of the Treasury shall
18 deposit interest resulting from such investments into the
19 Fund.

20 (d) **PAYMENT OF INTEREST TO SANTEE SIOUX**
21 **TRIBE.**—

22 (1) **WITHDRAWAL OF INTEREST.**—Beginning at
23 the end of the first fiscal year in which interest is
24 deposited into the Fund, the Secretary of the Treas-
25 ury shall withdraw the aggregate amount of interest
26 deposited into the Fund for that fiscal year and

1 transfer that amount to the Secretary of the Interior
2 for use in accordance with paragraph (2). Each
3 amount so transferred shall be available without fis-
4 cal year limitation.

5 (2) PAYMENTS TO SANTEE SIOUX TRIBE.—

6 (A) IN GENERAL.—The Secretary of the
7 Interior shall use the amounts transferred
8 under paragraph (1) only for the purpose of
9 making payments to the Santee Sioux Tribe, as
10 such payments are requested by that Indian
11 tribe pursuant to tribal resolution.

12 (B) LIMITATION.—Payments may be made
13 by the Secretary of the Interior under subpara-
14 graph (A) only after the Santee Sioux Tribe has
15 adopted a tribal plan under section 6.

16 (C) USE OF PAYMENTS BY SANTEE SIOUX
17 TRIBE.—The Santee Sioux Tribe shall use the
18 payments made under subparagraph (A) only
19 for carrying out projects and programs under
20 the tribal plan prepared under section 6.

21 (D) PLEDGE OF FUTURE PAYMENTS.—

22 (i) IN GENERAL.—Subject to clause
23 (ii), the Santee Sioux Tribe may enter into
24 an agreement under which that Indian
25 tribe pledges future payments under this

1 paragraph as security for a loan or other
2 financial transaction.

3 (ii) LIMITATIONS.—The Santee Sioux
4 Tribe—

5 (I) may enter into an agreement
6 under clause (i) only in connection
7 with the purchase of land or other
8 capital assets; and

9 (II) may not pledge, for any year
10 under an agreement referred to in
11 clause (i), an amount greater than 40
12 percent of any payment under this
13 paragraph for that year.

14 (e) TRANSFERS AND WITHDRAWALS.—Except as
15 provided in subsections (c) and (d)(1), the Secretary of
16 the Treasury may not transfer or withdraw any amount
17 deposited under subsection (b).

18 **SEC. 6. TRIBAL PLANS.**

19 (a) IN GENERAL.—Not later than 24 months after
20 the date of enactment of this Act, the tribal council of
21 each of the Yankton Sioux and Santee Sioux Tribes shall
22 prepare a plan for the use of the payments to the tribe
23 under section 4(d) or 5(d) (referred to in this subsection
24 as a “tribal plan”).

1 (b) **CONTENTS OF TRIBAL PLAN.**—Each tribal plan
 2 shall provide for the manner in which the tribe covered
 3 under the tribal plan shall expend payments to the tribe
 4 under subsection (d) to promote—

5 (1) economic development;

6 (2) infrastructure development;

7 (3) the educational, health, recreational, and so-
 8 cial welfare objectives of the tribe and its members;
 9 or

10 (4) any combination of the activities described
 11 in paragraphs (1), (2), and (3).

12 (c) **TRIBAL PLAN REVIEW AND REVISION.**—

13 (1) **IN GENERAL.**—Each tribal council referred
 14 to in subsection (a) shall make available for review
 15 and comment by the members of the tribe a copy of
 16 the tribal plan for the Indian tribe before the tribal
 17 plan becomes final, in accordance with procedures
 18 established by the tribal council.

19 (2) **UPDATING OF TRIBAL PLAN.**—Each tribal
 20 council referred to in subsection (a) may, on an an-
 21 nual basis, revise the tribal plan prepared by that
 22 tribal council to update the tribal plan. In revising
 23 the tribal plan under this paragraph, the tribal
 24 council shall provide the members of the tribe oppor-

1 tunity to review and comment on any proposed revi-
2 sion to the tribal plan.

3 **SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS**
4 **AND SERVICES.**

5 (a) **IN GENERAL.**—No payment made to the Yankton
6 Sioux Tribe or Santee Sioux Tribe pursuant to this Act
7 shall result in the reduction or denial of any service or
8 program to which, pursuant to Federal law—

9 (1) the Yankton Sioux Tribe or Santee Sioux
10 Tribe is otherwise entitled because of the status of
11 the tribe as a federally recognized Indian tribe; or

12 (2) any individual who is a member of a tribe
13 under paragraph (1) is entitled because of the status
14 of the individual as a member of the tribe.

15 (b) **EXEMPTIONS FROM TAXATION.**—No payment
16 made pursuant to this Act shall be subject to any Federal
17 or State income tax.

18 (c) **POWER RATES.**—No payment made pursuant to
19 this Act shall affect Pick-Sloan Missouri River Basin
20 power rates.

21 **SEC. 8. STATUTORY CONSTRUCTION.**

22 Nothing in this Act may be construed as diminishing
23 or affecting any water right of an Indian tribe, except as
24 specifically provided in another provision of this Act, any
25 treaty right that is in effect on the date of enactment of

1 this Act, any authority of the Secretary of the Interior
2 or the head of any other Federal agency under a law in
3 effect on the date of enactment of this Act.

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act, including such sums
7 as may be necessary for the administration of the Yankton
8 Sioux Tribe Development Trust Fund under section 4 and
9 the Santee Sioux Tribe of Nebraska Development Trust
10 Fund under section 5.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Yankton Sioux Tribe
13 and Santee Sioux Tribe Equitable Compensation Act”.*

14 **SEC. 2. FINDINGS AND PURPOSES.**

15 (a) *FINDINGS.*—Congress finds that—

16 (1) *by enacting the Act of December 22, 1944,*
17 *commonly known as the “Flood Control Act of 1944”*
18 *(58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.)*

19 *Congress approved the Pick-Sloan Missouri River*
20 *Basin program (referred to in this section as the*
21 *“Pick-Sloan program”)—*

22 (A) *to promote the general economic devel-*
23 *opment of the United States;*

24 (B) *to provide for irrigation above Sioux*
25 *City, Iowa;*

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

3 (D) for other purposes;

4 (2) the waters impounded for the Fort Randall
5 and Gavins Point projects of the Pick-Sloan program
6 have inundated the fertile, wooded bottom lands along
7 the Missouri River that constituted the most produc-
8 tive agricultural and pastoral lands of, and the home-
9 land of, the members of the Yankton Sioux Tribe and
10 the Santee Sioux Tribe;

11 (3) the Fort Randall project (including the Fort
12 Randall Dam and Reservoir)—

13 (A) overlies the western boundary of the
14 Yankton Sioux Tribe Indian Reservation; and

15 (B) has caused the erosion of more than 400
16 acres of prime land on the Yankton Sioux Res-
17 ervation adjoining the east bank of the Missouri
18 River;

19 (4) the Gavins Point project (including the Gav-
20 ins Point Dam and Reservoir) overlies the eastern
21 boundary of the Santee Sioux Tribe;

22 (5) although the Fort Randall and Gavins Point
23 projects are major components of the Pick-Sloan pro-
24 gram, and contribute to the economy of the United
25 States by generating a substantial amount of hydro-

1 *power and impounding a substantial quantity of*
2 *water, the reservations of the Yankton Sioux Tribe*
3 *and the Santee Sioux Tribe remain undeveloped;*

4 *(6) the United States Army Corps of Engineers*
5 *took the Indian lands used for the Fort Randall and*
6 *Gavins Point projects by condemnation proceedings;*

7 *(7) the Federal Government did not give*
8 *Yankton Sioux Tribe and the Santee Sioux Tribe an*
9 *opportunity to receive compensation for direct dam-*
10 *ages from the Pick-Sloan program, even though the*
11 *Federal Government gave 5 Indian reservations up-*
12 *stream from the reservations of those Indian tribes*
13 *such an opportunity;*

14 *(8) the Yankton Sioux Tribe and the Santee*
15 *Sioux Tribe did not receive just compensation for the*
16 *taking of productive agricultural Indian lands*
17 *through the condemnation referred to in paragraph*
18 *(6);*

19 *(9) the settlement agreement that the United*
20 *States entered into with the Yankton Sioux Tribe and*
21 *the Santee Sioux Tribe to provide compensation for*
22 *the taking by condemnation referred to in paragraph*
23 *(6) did not take into account the increase in property*
24 *values over the years between the date of taking and*
25 *the date of settlement; and*

1 (10) *in addition to the financial compensation*
2 *provided under the settlement agreements referred to*
3 *in paragraph (9)—*

4 (A) *the Yankton Sioux Tribe should receive*
5 *an aggregate amount equal to \$34,323,743 for—*

6 (i) *the loss value of 2,851.40 acres of*
7 *Indian land taken for the Fort Randall*
8 *Dam and Reservoir of the Pick-Sloan pro-*
9 *gram; and*

10 (ii) *the use value of 408.40 acres of In-*
11 *Indian land on the reservation of that Indian*
12 *tribe that was lost as a result of stream*
13 *bank erosion that has occurred since 1953;*
14 *and*

15 (B) *the Santee Sioux Tribe should receive*
16 *an aggregate amount equal to \$8,132,838 for the*
17 *loss value of—*

18 (i) *593.10 acres of Indian land located*
19 *near the Santee village; and*

20 (ii) *414.12 acres on Niobrara Island of*
21 *the Santee Sioux Tribe Indian Reservation*
22 *used for the Gavins Point Dam and Res-*
23 *ervoir.*

24 **SEC. 3. DEFINITIONS.**

25 *In this Act:*

1 (1) *INDIAN TRIBE.*—*The term “Indian tribe” has*
2 *the meaning given that term in section 4(e) of the In-*
3 *dian Self-Determination and Education Assistance*
4 *Act (25 U.S.C. 450b(e)).*

5 (2) *SANTEE SIOUX TRIBE.*—*The term “Santee*
6 *Sioux Tribe” means the Santee Sioux Tribe of Ne-*
7 *braska.*

8 (3) *YANKTON SIOUX TRIBE.*—*The term Yankton*
9 *Sioux Tribe” means the Yankton Sioux Tribe of*
10 *South Dakota.*

11 **SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST**
12 **FUND.**

13 (a) *ESTABLISHMENT.*—*There is established in the*
14 *Treasury of the United States a fund to be known as the*
15 *“Yankton Sioux Tribe Development Trust Fund” (referred*
16 *to in this section as the “Fund”). The Fund shall consist*
17 *of any amounts deposited in the Fund under this Act.*

18 (b) *FUNDING.*—*On the first day of the 11th fiscal year*
19 *that begins after the date of enactment of this Act, the Sec-*
20 *retary of the Treasury shall, from the General Fund of the*
21 *Treasury, deposit into the Fund established under sub-*
22 *section (a)—*

23 (1) *\$34,323,743; and*

24 (2) *an additional amount that equals the*
25 *amount of interest that would have accrued on the*

1 *amount described in paragraph (1) if such amount*
2 *had been invested in interest-bearing obligations of*
3 *the United States, or in obligations guaranteed as to*
4 *both principal and interest by the United States, on*
5 *the first day of the first fiscal year that begins after*
6 *the date of enactment of this Act and compounded*
7 *annually thereafter.*

8 *(c) INVESTMENT OF TRUST FUND.—It shall be the*
9 *duty of the Secretary of the Treasury to invest such portion*
10 *of the Fund as is not, in the Secretary of Treasury’s judg-*
11 *ment, required to meet current withdrawals. Such invest-*
12 *ments may be made only in interest-bearing obligations of*
13 *the United States or in obligations guaranteed as to both*
14 *principal and interest by the United States. The Secretary*
15 *of the Treasury shall deposit interest resulting from such*
16 *investments into the Fund.*

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

18 *(1) WITHDRAWAL OF INTEREST.—Beginning on*
19 *the first day of the 11th fiscal year after the date of*
20 *enactment of this Act and, on the first day of each*
21 *fiscal year thereafter, the Secretary of the Treasury*
22 *shall withdraw the aggregate amount of interest de-*
23 *posited into the Fund for that fiscal year and transfer*
24 *that amount to the Secretary of the Interior for use*
25 *in accordance with paragraph (2). Each amount so*

1 *transferred shall be available without fiscal year limi-*
2 *tation.*

3 (2) *PAYMENTS TO YANKTON SIOUX TRIBE.—*

4 (A) *IN GENERAL.—The Secretary of the In-*
5 *terior shall use the amounts transferred under*
6 *paragraph (1) only for the purpose of making*
7 *payments to the Yankton Sioux Tribe, as such*
8 *payments are requested by that Indian tribe*
9 *pursuant to tribal resolution.*

10 (B) *LIMITATION.—Payments may be made*
11 *by the Secretary of the Interior under subpara-*
12 *graph (A) only after the Yankton Sioux Tribe*
13 *has adopted a tribal plan under section 6.*

14 (C) *USE OF PAYMENTS BY YANKTON SIOUX*
15 *TRIBE.—The Yankton Sioux Tribe shall use the*
16 *payments made under subparagraph (A) only*
17 *for carrying out projects and programs under the*
18 *tribal plan prepared under section 6.*

19 (e) *TRANSFERS AND WITHDRAWALS.—Except as pro-*
20 *vided in subsections (c) and (d)(1), the Secretary of the*
21 *Treasury may not transfer or withdraw any amount depos-*
22 *ited under subsection (b).*

23 **SEC. 5. SANTEE SIOUX TRIBE DEVELOPMENT TRUST FUND.**

24 (a) *ESTABLISHMENT.—There is established in the*
25 *Treasury of the United States a fund to be known as the*

1 “Santee Sioux Tribe Development Trust Fund” (referred to
2 in this section as the “Fund”). The Fund shall consist of
3 any amounts deposited in the Fund under this Act.

4 (b) FUNDING.—On the first day of the 11th fiscal year
5 that begins after the date of enactment of this Act, the Sec-
6 retary of the Treasury shall, from the General Fund of the
7 Treasury, deposit into the Fund established under sub-
8 section (a)—

9 (1) \$8,132,838; and

10 (2) an additional amount that equals the
11 amount of interest that would have accrued on the
12 amount described in paragraph (1) if such amount
13 had been invested in interest-bearing obligations of
14 the United States, or in obligations guaranteed as to
15 both principal and interest by the United States, on
16 the first day of the first fiscal year that begins after
17 the date of enactment of this Act and compounded
18 annually thereafter.

19 (c) INVESTMENT OF TRUST FUND.—It shall be the
20 duty of the Secretary of the Treasury to invest such portion
21 of the Fund as is not, in the Secretary of Treasury’s judg-
22 ment, required to meet current withdrawals. Such invest-
23 ments may be made only in interest-bearing obligations of
24 the United States or in obligations guaranteed as to both
25 principal and interest by the United States. The Secretary

1 *of the Treasury shall deposit interest resulting from such*
2 *investments into the Fund.*

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

4 *(1) WITHDRAWAL OF INTEREST.—Beginning on*
5 *the first day of the 11th fiscal year after the date of*
6 *enactment of this Act and, on the first day of each*
7 *fiscal year thereafter, the Secretary of the Treasury*
8 *shall withdraw the aggregate amount of interest de-*
9 *posited into the Fund for that fiscal year and transfer*
10 *that amount to the Secretary of the Interior for use*
11 *in accordance with paragraph (2). Each amount so*
12 *transferred shall be available without fiscal year limi-*
13 *tation.*

14 *(2) PAYMENTS TO SANTEE SIOUX TRIBE.—*

15 *(A) IN GENERAL.—The Secretary of the In-*
16 *terior shall use the amounts transferred under*
17 *paragraph (1) only for the purpose of making*
18 *payments to the Santee Sioux Tribe, as such*
19 *payments are requested by that Indian tribe*
20 *pursuant to tribal resolution.*

21 *(B) LIMITATION.—Payments may be made*
22 *by the Secretary of the Interior under subpara-*
23 *graph (A) only after the Santee Sioux Tribe has*
24 *adopted a tribal plan under section 6.*

1 (C) *USE OF PAYMENTS BY SANTEE SIOUX*
2 *TRIBE.*—*The Santee Sioux Tribe shall use the*
3 *payments made under subparagraph (A) only*
4 *for carrying out projects and programs under the*
5 *tribal plan prepared under section 6.*

6 (e) *TRANSFERS AND WITHDRAWALS.*—*Except as pro-*
7 *vided in subsections (c) and (d)(1), the Secretary of the*
8 *Treasury may not transfer or withdraw any amount depos-*
9 *ited under subsection (b).*

10 **SEC. 6. TRIBAL PLANS.**

11 (a) *IN GENERAL.*—*Not later than 24 months after the*
12 *date of enactment of this Act, the tribal council of each of*
13 *the Yankton Sioux and Santee Sioux Tribes shall prepare*
14 *a plan for the use of the payments to the tribe under section*
15 *4(d) or 5(d) (referred to in this subsection as a “tribal*
16 *plan”).*

17 (b) *CONTENTS OF TRIBAL PLAN.*—*Each tribal plan*
18 *shall provide for the manner in which the tribe covered*
19 *under the tribal plan shall expend payments to the tribe*
20 *under subsection (d) to promote—*

21 (1) *economic development;*

22 (2) *infrastructure development;*

23 (3) *the educational, health, recreational, and so-*
24 *cial welfare objectives of the tribe and its members; or*

1 (4) *any combination of the activities described in*
2 *paragraphs (1), (2), and (3).*

3 (c) *TRIBAL PLAN REVIEW AND REVISION.—*

4 (1) *IN GENERAL.—Each tribal council referred to*
5 *in subsection (a) shall make available for review and*
6 *comment by the members of the tribe a copy of the*
7 *tribal plan for the Indian tribe before the tribal plan*
8 *becomes final, in accordance with procedures estab-*
9 *lished by the tribal council.*

10 (2) *UPDATING OF TRIBAL PLAN.—Each tribal*
11 *council referred to in subsection (a) may, on an an-*
12 *nual basis, revise the tribal plan prepared by that*
13 *tribal council to update the tribal plan. In revising*
14 *the tribal plan under this paragraph, the tribal coun-*
15 *cil shall provide the members of the tribe opportunity*
16 *to review and comment on any proposed revision to*
17 *the tribal plan.*

18 (3) *CONSULTATION.—In preparing the tribal*
19 *plan and any revisions to update the plan, each trib-*
20 *al council shall consult with the Secretary of the Inte-*
21 *rior and the Secretary of Health and Human Serv-*
22 *ices.*

23 (4) *AUDIT.—*

24 (A) *IN GENERAL.—The activities of the*
25 *tribes in carrying out the tribal plans shall be*

1 *audited as part of the annual single-agency*
2 *audit that the tribes are required to prepare pur-*
3 *suant to the Office of Management and Budget*
4 *circular numbered A-133.*

5 *(B) DETERMINATION BY AUDITORS.—The*
6 *auditors that conduct the audit described in sub-*
7 *paragraph (A) shall—*

8 *(i) determine whether funds received by*
9 *each tribe under this section for the period*
10 *covered by the audits were expended to*
11 *carry out the respective tribal plans in a*
12 *manner consistent with this section; and*

13 *(ii) include in the written findings of*
14 *the audits the determinations made under*
15 *clause (i).*

16 *(C) INCLUSION OF FINDINGS WITH PUBLICA-*
17 *TION OF PROCEEDINGS OF TRIBAL COUNCIL.—A*
18 *copy of the written findings of the audits de-*
19 *scribed in subparagraph (A) shall be inserted in*
20 *the published minutes of each tribal council's*
21 *proceedings for the session at which the audit is*
22 *presented to the tribal councils.*

23 *(d) PROHIBITION ON PER CAPITA PAYMENTS.—No*
24 *portion of any payment made under this Act may be dis-*

1 *tributed to any member of the Yankton Sioux Tribe or the*
 2 *Santee Sioux Tribe of Nebraska on a per capita basis.*

3 **SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS**
 4 **AND SERVICES.**

5 *(a) IN GENERAL.—No payment made to the Yankton*
 6 *Sioux Tribe or Santee Sioux Tribe pursuant to this Act*
 7 *shall result in the reduction or denial of any service or pro-*
 8 *gram to which, pursuant to Federal law—*

9 *(1) the Yankton Sioux Tribe or Santee Sioux*
 10 *Tribe is otherwise entitled because of the status of the*
 11 *tribe as a federally recognized Indian tribe; or*

12 *(2) any individual who is a member of a tribe*
 13 *under paragraph (1) is entitled because of the status*
 14 *of the individual as a member of the tribe.*

15 *(b) EXEMPTIONS FROM TAXATION.—No payment*
 16 *made pursuant to this Act shall be subject to any Federal*
 17 *or State income tax.*

18 *(c) POWER RATES.—No payment made pursuant to*
 19 *this Act shall affect Pick-Sloan Missouri River Basin power*
 20 *rates.*

21 **SEC. 8. STATUTORY CONSTRUCTION.**

22 *Nothing in this Act may be construed as diminishing*
 23 *or affecting any water right of an Indian tribe, except as*
 24 *specifically provided in another provision of this Act, any*
 25 *treaty right that is in effect on the date of enactment of*

1 *this Act, any authority of the Secretary of the Interior or*
2 *the head of any other Federal agency under a law in effect*
3 *on the date of enactment of this Act.*

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated such sums as*
6 *are necessary to carry out this Act, including such sums*
7 *as may be necessary for the administration of the Yankton*
8 *Sioux Tribe Development Trust Fund under section 4 and*
9 *the Santee Sioux Tribe of Nebraska Development Trust*
10 *Fund under section 5.*

11 **SEC. 10. EXTINGUISHMENT OF CLAIMS.**

12 *Upon the deposit of funds under sections 4(b) and 5(b),*
13 *all monetary claims that the Yankton Sioux Tribe or the*
14 *Santee Sioux Tribe of Nebraska has or may have against*
15 *the United States for loss of value or use of land related*
16 *to lands described in section 2(a)(10) resulting from the*
17 *Fort Randall and Gavins Point projects of the Pick-Sloan*
18 *Missouri River Basin program shall be extinguished.*

Amend the title so as to read “To provide equitable compensation for the Yankton Sioux Tribe and the Santee Sioux Tribe, and for other purposes.”.

Calendar No. 744

106TH CONGRESS
2D SESSION

S. 1148

[Report No. 106-367]

A BILL

To provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes.

AUGUST 25, 2000

Reported with an amendment and an amendment to the title