

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 109

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Ms. HERSETH introduced the following bill; which was referred to the Committee on Resources

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## 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 “Tribal Parity Act”.

5        **SEC. 2. FINDINGS.**

6        Congress finds that—

7                (1) the Pick-Sloan Missouri River Basin Pro-  
8        gram (authorized by section 9 of the Act of Decem-  
9        ber 22, 1944 (commonly known as the “Flood Con-

1 trol Act of 1944”) (58 Stat. 891)), was approved to  
2 promote the general economic development of the  
3 United States;

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

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

8 (B) contribute to the national economy;

9 (3) the Fort Randall and Big Bend projects in-  
10 undated the fertile bottom land of the Lower Brule  
11 and Crow Creek Sioux Tribes, which greatly dam-  
12 aged the economy and cultural resources of the  
13 Tribes;

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

19 (5) the compensation provided to those Indian  
20 tribes has not been consistent;

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

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

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

9           Section 4(b) of the Lower Brule Sioux Tribe Infra-  
10          structure Development Trust Fund Act (Public Law 105–  
11          132; 111 Stat. 2565) is amended by striking  
12          “\$39,300,000” and inserting “\$186,822,140”.

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

14          Section 4(b) of the Crow Creek Sioux Tribe Infra-  
15          structure Development Trust Fund Act of 1996 (Public  
16          Law 104–223; 110 Stat. 3027) is amended by striking  
17          “\$27,500,000” and inserting “\$105,917,853”.

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