

Calendar No. 587

104TH CONGRESS
2^D Session

H. R. 2512

AN ACT

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

SEPTEMBER 11, 1996

Received; read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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AN ACT

To provide for certain benefits of the Pick-Sloan Missouri
River basin program 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Crow Creek Sioux
3 Tribe Infrastructure Development Trust Fund Act of
4 1996”.

5 **SEC. 2. FINDINGS.**

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

7 (1) the Congress approved the Pick-Sloan Mis-
8 souri River basin program by passing the Act of De-
9 cember 22, 1944, commonly known as the “Flood
10 Control Act of 1944” (58 Stat. 887, chapter 665; 33
11 U.S.C. 701–1 et seq.)—

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

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

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

18 (D) for other purposes;

19 (2) the Fort Randall and Big Bend projects are
20 major components of the Pick-Sloan program, and
21 contribute to the national economy by generating a
22 substantial amount of hydropower and impounding a
23 substantial quantity of water;

24 (3) the Fort Randall and Big Bend projects
25 overlie the western boundary of the Crow Creek In-
26 dian Reservation, having inundated the fertile, wood-

1 ed bottom lands of the Tribe along the Missouri
2 River that constituted the most productive agricul-
3 tural and pastoral lands of the Crow Creek Sioux
4 Tribe and the homeland of the members of the
5 Tribe;

6 (4) Public Law 85–916 (72 Stat. 1766 et seq.)
7 authorized the acquisition of 9,418 acres of Indian
8 land on the Crow Creek Indian Reservation for the
9 Fort Randall project and Public Law 87–735 (76
10 Stat. 704 et seq.) authorized the acquisition of
11 6,179 acres of Indian land on Crow Creek for the
12 Big Bend project;

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

18 (A) replace, relocate, or reconstruct—

19 (i) any existing essential governmental
20 and agency facilities on the reservation, in-
21 cluding schools, hospitals, offices of the
22 Public Health Service and the Bureau of
23 Indian Affairs, service buildings, and em-
24 ployee quarters; and

1 (ii) roads, bridges, and incidental mat-
2 ters or facilities in connection with such fa-
3 cilities;

4 (B) provide for a townsite adequate for 50
5 homes, including streets and utilities (including
6 water, sewage, and electricity), taking into ac-
7 count the reasonable future growth of the town-
8 site; and

9 (C) provide for a community center con-
10 taining space and facilities for community gath-
11 erings, tribal offices, tribal council chamber, of-
12 fices of the Bureau of Indian Affairs, offices
13 and quarters of the Public Health Service, and
14 a combination gymnasium and auditorium;

15 (6) the requirements under Public Law 87–735
16 (76 Stat. 704 et seq.) with respect to the mitigation
17 of the effects of the Fort Randall and Big Bend
18 projects on the Crow Creek Indian Reservation have
19 not been fulfilled;

20 (7) although the national economy has benefited
21 from the Fort Randall and Big Bend projects, the
22 economy on the Crow Creek Indian Reservation re-
23 mains underdeveloped, in part as a consequence of
24 the failure of the Federal Government to fulfill the

1 obligations of the Federal Government under the
2 laws referred to in paragraph (4);

3 (8) the economic and social development and
4 cultural preservation of the Crow Creek Sioux Tribe
5 will be enhanced by increased tribal participation in
6 the benefits of the Fort Randall and Big Bend com-
7 ponents of the Pick-Sloan program; and

8 (9) the Crow Creek Sioux Tribe is entitled to
9 additional benefits of the Pick-Sloan Missouri River
10 basin program.

11 **SEC. 3. DEFINITIONS.**

12 For the purposes of this Act, the following definitions
13 shall apply:

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

17 (2) PLAN.—The term “plan” means the plan
18 for socioeconomic recovery and cultural preservation
19 prepared under section 5.

20 (3) PROGRAM.—The term “Program” means
21 the power program of the Pick-Sloan Missouri River
22 basin program, administered by the Western Area
23 Power Administration.

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (5) **TRIBE.**—The term “Tribe” means the Crow
 2 Creek Sioux Tribe of Indians, a band of the Great
 3 Sioux Nation recognized by the United States of
 4 America.

5 **SEC. 4. ESTABLISHMENT OF CROW CREEK SIOUX TRIBE IN-**
 6 **FRASTRUCTURE DEVELOPMENT TRUST**
 7 **FUND.**

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

13 (b) **FUNDING.**—Beginning with fiscal year 1997, and
 14 for each fiscal year thereafter, until such time as the ag-
 15 gregate of the amounts deposited in the Fund is equal to
 16 \$27,500,000, the Secretary of the Treasury shall deposit
 17 into the Fund an amount equal to 25 percent of the re-
 18 ceipts from the deposits to the Treasury of the United
 19 States for the preceding fiscal year from the Program.

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

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

1 (1) ESTABLISHMENT OF ACCOUNT AND TRANS-
2 FER OF INTEREST.—The Secretary of the Treasury
3 shall, in accordance with this subsection, transfer
4 any interest that accrues on amounts deposited
5 under subsection (b) into a separate account estab-
6 lished by the Secretary of the Treasury in the Treas-
7 ury of the United States.

8 (2) PAYMENTS.—

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

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

1 funds from the account for the purpose speci-
2 fied in this paragraph.

3 (C) PAYMENTS TO TRIBE.—The Secretary
4 of the Interior shall use the amounts trans-
5 ferred under subparagraph (B) only for the
6 purpose of making payments to the Tribe.

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

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

16 (e) TRANSFERS AND WITHDRAWALS.—Except as
17 provided in subsection (d)(1), the Secretary of the Treas-
18 ury may not transfer or withdraw any amount deposited
19 under subsection (b).

20 **SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CUL-**
21 **TURAL PRESERVATION.**

22 (a) PLAN.—

23 (1) IN GENERAL.—The Tribe shall, not later
24 than 2 years after the date of enactment of this Act,
25 prepare a plan for the use of the payments made to

1 the Tribe under section 4(d)(2). In developing the
2 plan, the Tribe shall consult with the Secretary of
3 the Interior and the Secretary of Health and Human
4 Services.

5 (2) REQUIREMENTS FOR PLAN COMPONENTS.—
6 The plan shall, with respect to each component of
7 the plan—

8 (A) identify the costs and benefits of that
9 component; and

10 (B) provide plans for that component.

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

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

16 (2) COMPREHENSIVE INPATIENT AND OUT-
17 PATIENT HEALTH CARE FACILITY.—The plan shall
18 provide for a comprehensive inpatient and outpatient
19 health care facility to provide essential services that
20 the Secretary of Health and Human Services, in
21 consultation with the individuals and entities re-
22 ferred to in subsection (a)(1), determines to be—

23 (A) needed; and

24 (B) unavailable through existing facilities
25 of the Indian Health Service on the Crow Creek

1 Indian Reservation at the time of the deter-
2 mination.

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

7 (4) RECREATIONAL FACILITIES.—The plan
8 shall provide for recreational facilities suitable for
9 high-density recreation at Lake Sharpe at Big Bend
10 Dam and at other locations on the Crow Creek In-
11 dian Reservation in South Dakota.

12 (5) OTHER PROJECTS AND PROGRAMS.—The
13 plan shall provide for such other projects and pro-
14 grams for the educational, social welfare, economic
15 development, and cultural preservation of the Tribe
16 as the Tribe considers to be appropriate.

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

18 There are authorized to be appropriated such funds
19 as may be necessary to carry out this Act, including such
20 funds as may be necessary to cover the administrative ex-
21 penses of the Crow Creek Sioux Tribe Infrastructure De-
22 velopment Trust Fund established under section 4.

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

24 (a) IN GENERAL.—No payment made to the Tribe
25 pursuant to this Act shall result in the reduction or denial

1 of any service or program to which, pursuant to Federal
2 law—

3 (1) the Tribe is otherwise entitled because of
4 the status of the Tribe as a federally recognized In-
5 dian tribe; or

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

9 (b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

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

13 (2) STATUTORY CONSTRUCTION.—Nothing in
14 this Act may be construed as diminishing or affect-
15 ing—

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

18 (B) any treaty obligation of the United
19 States.

Passed the House of Representatives September 10,
1996.

Attest:

ROBIN H. CARLE,

Clerk.