

Union Calendar No. 410

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2512**

[Report No. 104-765]

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**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.

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SEPTEMBER 4, 1996

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1995

Mr. JOHNSON of South Dakota introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 4, 1996

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 19, 1995]

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 *(a) FINDINGS.—The Congress finds that—*

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

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

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

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

17 *(D) for other purposes;*

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

23 *(3) the Fort Randall and Big Bend projects over-*  
24 *lie the western boundary of the Crow Creek Indian*  
25 *Reservation, having inundated the fertile, wooded bot-*  
26 *tom lands of the Tribe along the Missouri River that*

1       *constituted the most productive agricultural and pas-*  
2       *toral lands of the Crow Creek Sioux Tribe and the*  
3       *homeland of the members of the Tribe;*

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

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

16                   (A) *replace, relocate, or reconstruct—*

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

23                           (ii) *roads, bridges, and incidental mat-*  
24                           *ters or facilities in connection with such fa-*  
25                           *cilities;*

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

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

12           (6) the requirements under Public Law 87-735  
13 (76 Stat. 704 et seq.) with respect to the mitigation  
14 of the effects of the Fort Randall and Big Bend  
15 projects on the Crow Creek Indian Reservation have  
16 not been fulfilled;

17           (7) although the national economy has benefited  
18 from the Fort Randall and Big Bend projects, the  
19 economy on the Crow Creek Indian Reservation re-  
20 mains underdeveloped, in part as a consequence of the  
21 failure of the Federal Government to fulfill the obliga-  
22 tions of the Federal Government under the laws re-  
23 ferred to in paragraph (4);

24           (8) the economic and social development and cul-  
25 tural preservation of the Crow Creek Sioux Tribe will

1 *be enhanced by increased tribal participation in the*  
2 *benefits of the Fort Randall and Big Bend compo-*  
3 *nents of the Pick-Sloan program; and*

4 *(9) the Crow Creek Sioux Tribe is entitled to ad-*  
5 *ditional benefits of the Pick-Sloan Missouri River*  
6 *basin program.*

7 **SEC. 3. DEFINITIONS.**

8 *For the purposes of this Act, the following definitions*  
9 *shall apply:*

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

13 *(2) PLAN.—The term “plan” means the plan for*  
14 *socioeconomic recovery and cultural preservation pre-*  
15 *pared under section 5.*

16 *(3) PROGRAM.—The term “Program” means the*  
17 *power program of the Pick-Sloan Missouri River*  
18 *basin program, administered by the Western Area*  
19 *Power Administration.*

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

22 *(5) TRIBE.—The term “Tribe” means the Crow*  
23 *Creek Sioux Tribe of Indians, a band of the Great*  
24 *Sioux Nation recognized by the United States of*  
25 *America.*

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

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

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

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

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

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

1       *Secretary of the Treasury in the Treasury of the*  
2       *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 speci-*  
8       *fied in subsection (b), and for each fiscal year*  
9       *thereafter, all amounts transferred under para-*  
10       *graph (1) shall be available, without fiscal year*  
11       *limitation, to the Secretary of the Interior for*  
12       *use in accordance with subparagraph (C).*

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

23              (C) *PAYMENTS TO TRIBE.*—*The Secretary of*  
24       *the Interior shall use the amounts transferred*

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

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

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

12          (e) *TRANSFERS AND WITHDRAWALS.*—Except as pro-  
13          vided in subsection (d)(1), the Secretary of the Treasury  
14          may not transfer or withdraw any amount deposited under  
15          subsection (b).

16   **SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CUL-**  
17                                   **TURAL PRESERVATION.**

18          (a) *PLAN.*—

19               (1) *IN GENERAL.*—The Tribe shall, not later  
20               than 2 years after the date of enactment of this Act,  
21               prepare a plan for the use of the payments made to  
22               the Tribe under section 4(d)(2). In developing the  
23               plan, the Tribe shall consult with the Secretary of the  
24               Interior and the Secretary of Health and Human  
25               Services.

1           (2) *REQUIREMENTS FOR PLAN COMPONENTS.*—  
2           *The plan shall, with respect to each component of the*  
3           *plan—*

4                     (A) *identify the costs and benefits of that*  
5                     *component; and*

6                     (B) *provide plans for that component.*

7           (b) *CONTENT OF PLAN.*—*The plan shall include the*  
8           *following programs and components:*

9                     (1) *EDUCATIONAL FACILITY.*—*The plan shall*  
10           *provide for an educational facility to be located on*  
11           *the Crow Creek Indian Reservation.*

12                    (2) *COMPREHENSIVE INPATIENT AND OUT-*  
13           *PATIENT HEALTH CARE FACILITY.*—*The plan shall*  
14           *provide for a comprehensive inpatient and outpatient*  
15           *health care facility to provide essential services that*  
16           *the Secretary of Health and Human Services, in con-*  
17           *sultation with the individuals and entities referred to*  
18           *in subsection (a)(1), determines to be—*

19                             (A) *needed; and*

20                             (B) *unavailable through existing facilities of*  
21           *the Indian Health Service on the Crow Creek In-*  
22           *Indian Reservation at the time of the determina-*  
23           *tion.*

24                     (3) *WATER SYSTEM.*—*The plan shall provide for*  
25           *the construction, operation, and maintenance of a*

1        *municipal, rural, and industrial water system for the*  
2        *Crow Creek Indian Reservation.*

3            (4) *RECREATIONAL FACILITIES.*—*The plan shall*  
4        *provide for recreational facilities suitable for high-*  
5        *density recreation at Lake Sharpe at Big Bend Dam*  
6        *and at other locations on the Crow Creek Indian Res-*  
7        *ervation in South Dakota.*

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

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

14        *There are authorized to be appropriated such funds as*  
15       *may be necessary to carry out this Act, including such*  
16       *funds as may be necessary to cover the administrative ex-*  
17       *penses of the Crow Creek Sioux Tribe Infrastructure Devel-*  
18       *opment Trust Fund established under section 4.*

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

20        (a) *IN GENERAL.*—*No payment made to the Tribe pur-*  
21       *suant to this Act shall result in the reduction or denial of*  
22       *any service or program to which, pursuant to Federal*  
23       *law—*

1           (1) *the Tribe is otherwise entitled because of the*  
2           *status of the Tribe as a federally recognized Indian*  
3           *tribe; or*

4           (2) *any individual who is a member of the Tribe*  
5           *is entitled because of the status of the individual as*  
6           *a member of the Tribe.*

7           ***(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—***

8           (1) *POWER RATES.—No payment made pursuant*  
9           *to this Act shall affect Pick-Sloan Missouri River*  
10          *basin power rates.*

11          (2) *STATUTORY CONSTRUCTION.—Nothing in this*  
12          *Act may be construed as diminishing or affecting—*

13                  (A) *any right of the Tribe that is not other-*  
14                  *wise addressed in this Act; or*

15                  (B) *any treaty obligation of the United*  
16                  *States.*

Amend the title so as to read: “A bill to provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes.”.