

**STATEMENT
OF
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ASSISTANT SECRETARY - INDIAN AFFAIRS
ON
H.R. 2408
BEFORE THE
COMMITTEE ON RESOURCES
U. S. HOUSE OF REPRESENTATIVES**

July 17, 2002

Good afternoon, Mr. Chairman and Members of the Committee. I am pleased to be here today to present the Administration's views on H.R. 2408, the Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act. I want to thank Representative Osborne for introducing this important bill that addresses impacts to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska resulting from the Pick-Sloan Missouri River Basin program and in particular the development of the Fort Randall and Gavins Point projects. If enacted, this bill would provide final compensation to the Tribes and extinguish their claims for damages caused by these projects.

H.R. 2408 is a continuation of the United States' honorable efforts to correct inequities resulting from a regional Federal project which severely affected several Indian tribal homelands and resources along the Missouri River. In the early 1990's the United States addressed impacts to the Standing Rock Sioux Tribe and the Three Affiliated Tribes of the Fort Berthold Reservation. In 1996 and 1997, respectively, the Congress addressed the impacts to the Crow Creek Sioux Tribe and the Lower Brule Sioux Tribe. Thus, H.R. 2408 continues those efforts to address and mitigate the impacts that the Missouri River Basin Pick-Sloan Project has had on the remaining two Tribes, the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska.

The history of the Project is relatively well established. In 1944, the United States undertook the challenge to reduce flooding in the lower Missouri River Basin through the construction of monumental dams capable of harnessing the seasonal raging flows of the Missouri River. In addition, these dams could generate electrical power and needed hundreds of thousands of acres of land to serve as reservoirs for the storage of water over time to release as necessary. So great was the water resource that a whole regional economy grew from the electric power generated by these dams.

The pre-project tribal economy, however, was based on working the rich wooded bottom lands along the Missouri River. These lands were flooded for the reservoir, and the Tribes have never seen the former economy again. In addition, the importance of cultural treasures lost to inundation is now well known. In the 1950's the Yankton Sioux Tribe and its affected tribal members received a total of \$227,510 from the government for damages associated with the Fort Randall Project. Of this amount \$121,210 was awarded them by the U.S. District Court for direct damages as the result of condemnation proceedings filed before the federal district court by

the Army Corps of Engineers.

Congress authorized the appropriation of an additional \$106,500 in 1954 to be available for relocating the Yankton Sioux tribal members who resided on tribal and allotted lands. Unfortunately, the Yankton Sioux Tribe did not receive any additional funding for a rehabilitation program. This bill proposes to provide the Yankton Sioux Tribe with an aggregate amount equal to \$23,023,743 in additional compensation for the loss in value of 2,851.4 acres of land taken for the Fort Randall Dam and Reservoir.

Information concerning the amount paid to the Santee Sioux Tribe of Nebraska condemnation settlement is not clear because the federal court docket records are missing from the U.S. District Court in the National Archives. It appears that the Tribe may have been paid \$52,000 on the basis of the Tribe's 1955 agreement with the Army Corps of Engineers. We do not know when the settlement money may have been distributed to the individual landholders. Like the Yankton Sioux Tribe, the Santee Sioux Tribe of Nebraska did not receive any rehabilitation program funds. This bill proposes to provide the Santee Sioux Tribe with an aggregate amount equal to \$4,789,010 in additional compensation for the loss value of 593.1 acres of land located near the Santee village.

The Administration supports the effort to remedy the inequities caused by the aforementioned federal projects to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska. However, we recommend that Section 6(c)(4) be amended to add a new subparagraph (D) to include an annual report to the Secretary describing any expenditures of funds withdrawn. Our proposed amendment is as follows:

ANNUAL REPORTS – Each Tribe shall submit an annual report to the Secretary describing any expenditures of funds withdrawn by that Tribe under this Act.

This concludes my testimony on H.R. 2408. I will be happy to respond to any questions you may have.