

**TESTIMONY OF  
DONALD “DEL” LAVERDURE  
PRINCIPAL DEPUTY ASSISTANT SECRETARY – INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BEFORE THE  
SENATE COMMITTEE ON INDIAN AFFAIRS  
ON  
S. 1345, SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION GRAND COULEE  
DAM EQUITABLE COMPENSATION SETTLEMENT ACT**

**OCTOBER 20, 2011**

Chairman Akaka, Vice-Chairman Barrasso, and Members of the Committee, my name is Del Laverdure, and I am the Principal Deputy Assistant Secretary – Indian Affairs. Thank you for the opportunity to present the Administration’s views on S. 1345, the Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

S. 1345 would provide compensation to the Spokane Tribe of Indians for the use of its land for the generation of hydropower by the Grand Coulee Dam. Specifically, S. 1345 would require the Secretary of the Interior to deposit \$99.5 million over 5 years, \$23,900,000 for fiscal year 2012 and \$18,900,000 for the following 4 fiscal years, into a trust fund held by the United States Treasury for the Spokane Tribe.

The Department is encouraged by significant progress made in recent months toward resolving issues of concern to the Administration, however, the Administration cannot support S. 1345 in its current form.

As an example of the significant progress, the Department supports the removal of the land transfer provisions that had been included in prior legislation. Section 9 (a) of S. 1345, “Delegation of Authority,” presents an alternative approach for addressing the Spokane Tribe’s interest in reestablishing its law enforcement authorities within the boundaries of the Spokane Reservation. While the Department supports the concept of providing a clear delegation of authority to the Tribe to achieve its law enforcement goals, we are concerned that the language in S. 1345 is overbroad and could be construed to delegate more than just the authority intended by the Tribe. The Department is willing to work with the Committee or the Tribe to craft acceptable language for this provision, and, alternatively, is willing to accomplish the intent of this provision of the legislation administratively through a written delegation letter from the Secretary to the Spokane Tribe.

With regard to Section 5 of S. 1345, “Settlement Fund,” the basis for this settlement has not been established by a legal claim of the Spokane Tribe. Since the Spokane Tribe has no legal claim, the Department does not believe this legislation is appropriate as a settlement of claims. However, the Department could examine with the Tribe and Congress other avenues to address the concerns of the Spokane Tribe.

Finally, although the Department is concerned with this legislation being styled as a settlement act, settlement acts generally should include a provision that requires the Tribal government to ratify and approve this legislation as a complete settlement prior to the Act becoming effective.

The Department, in consultation with the Bonneville Power Administration, would be pleased to work with the Committee on substitute language or amendments to the legislation that we believe could meet the needs of the Spokane Tribe and the United States.