

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE OF
NEBRASKA DEVELOPMENT TRUST FUND ACT

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JULY 17, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 2671]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2671) to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2671 is to provide the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2671, the proposed “Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act”, would establish a development trust fund in the Treasury of the United States for each of the two tribes as compensation for the taking, by condemnation proceedings by the United States, of tribal lands.

The taking of tribal lands began in 1944 with the enactment of the Pick-Sloan Missouri River Basin program which included the Fort Randall and Gavins Point projects. The United States took 2,851.4 acres of Yankton Sioux tribal lands for the Fort Randall Dam and Reservoir and 1,007.22 acres of Santee Sioux lands for the Gavins Point Dam and Reservoir.

Pursuant to H.R. 2671, annual payments to each tribe out of each development trust fund created shall consist of the income

generated through the investment of funds by the Secretary of the Treasury in interest-bearing obligations of the United States or in obligations guaranteed by the United States. Payments will be made to each tribe by the Secretary of the Interior as payments are requested by the tribe pursuant to tribal resolution for the carrying out projects and programs under a tribal plan. Each tribal plan shall promote economic development, infrastructure development and educational, health, recreational, and social welfare objectives.

Similar recovery funds have been created by Congress for four other Missouri River tribes which were impacted by the Pick-Sloan Missouri River Basin program. Those tribes are the Three Affiliated Tribes of the Fort Berthold Reservation, the Standing Rock Sioux Tribe, the Crow Creek Sioux Tribe, and the Lower Brule Sioux Tribe. Similar legislation is now pending before Congress which would create a similar tribal recovery trust fund for the Cheyenne River Sioux Tribe which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation.

COMMITTEE ACTION

H.R. 2671 was introduced on August 2, 1999, by Congressman Bill Barrett (R-NE). The bill was referred to the Committee on Resources. On May 16, 2000, the Full Resources Committee held a hearing on the bill. On June 28, 2000, the Full Resources Committee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase direct spending by \$2–3 million each year starting in fiscal year

2001. This spending occurs as the Secretary of the Interior makes payments to tribes of the interest earned on the trust funds established by the bill.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2671, the Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Keith.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2671—Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act

Summary: H.R. 2671 would compensate the Yankton Sioux Tribe and the Santee Sioux Tribe for the taking of certain tribal lands by the federal government. CBO estimates that enacting this bill would increase direct spending by \$2 million to \$3 million a year; therefore, pay-as-you-go procedures would apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Tribal governments might incur some costs as a result of the bill's enactment, but these costs would be voluntary.

Estimated cost to the Federal Government: CBO estimates that enacting H.R. 2671 would increase direct spending by \$2 million to \$3 million each year starting in 2001, from the interest earnings on trust funds that the bill would establish. The cost of this legislation would fall within budget function 450 (community and regional development).

Basis of estimate: H.R. 2671 would provide compensation to the two tribes for the taking of 4,267 acres of land by the federal government for various water projects. The bill would establish the Yankton Sioux Tribe Development Trust Fund and the Santee Sioux Tribe of Nebraska Development Trust Fund and would direct the Secretary of the Treasury to deposit a total of \$42 million into interest-bearing accounts to benefit the tribes.

H.R. 2671 would authorize the Secretary of the Interior to withdraw the interest earned on the trust funds annually and use such funds to make payment to the tribes. Based on information from the Bureau of Indian Affairs, CBO expects that the tribes would request the payment of the full amount of the interest earned each year.

Pay-as-you-go-considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The following table summarizes the estimated pay-as-you-go effects of H.R. 2671. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars—										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	3	3	2	2	2	2	2	2	2	2
Changes in receipts	Not applicable										

Estimated impact on state, local, and tribal governments: H.R. 2671 contains no intergovernmental mandates as defined in UMRA, but it would impose some conditions on the affected tribes for receipt of federal funds. The bill would require the tribes to prepare and adopt plans for using payments from the trust fund. The tribes would receive significant benefits from enactment of this legislation.

Enactment impact on the private sector: The bill contains no new private-sector mandates as defined by UMRA.

Estimate prepared by: Federal costs: Lanette J. Keith. Impact on State, local, and tribal governments: Marjorie Miller. Impact on the private sector: Sarah Sitarek.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.