

**STATEMENT
OF
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BUREAU OF INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
AT THE HEARING
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
on
S. 1530, THE TRIBAL PARITY ACT**

JUNE 15, 2004

Good morning Mr. Chairman and Members of the Committee. I am pleased to be here today to present the views of the Administration on S. 1530, the "Tribal Parity Act." Based on the reasons I will discuss today, the Administration cannot support this bill at this time.

S. 1530, if enacted, would increase the compensation for the Lower Brule and Crow Creek Tribes for their loss of lands and cultural resources as a result of the Pick-Sloan Project. The intent of the legislation is to put the compensation provided to the Lower Brule and Crow Creek Tribes' on par with that provided to similarly situated Tribes in the region that received compensation for losses resulting from Pick-Sloan.

The original legislation for these two Tribes were the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132), and the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 104-223). The original principal amounts for the Lower Brule Tribe and the Crow Creek Tribe are \$39,300,000 and \$27,500,000, respectively.

Section 2 of S. 1530 references a methodology determined appropriate by the General Accounting Office (GAO). We are under the assumption the sponsor is referring to the GAO Reports of May 1991, concerning the Fort Berthold and Standing Rock Sioux Tribes, and January 1998, concerning the Cheyenne River Sioux, in which questions were raised about the calculations used to determine the amounts of the compensation provided. Within Appendix 3 of the January 1998 GAO Report, there is a table which states in the footnotes "the dollar amounts shown are not comparable. The original payments authorized and the additional compensation authorized are not comparable across the five reservations or with each other..." In 1991, testimony provided on behalf of the GAO stated "the question of whether additional compensation should be provided to the tribes is a policy decision for the Congress."

The Department is not in a position to comment on whether these two Tribes were equitably compensated. However, we will be happy to work with the sponsor of the bill,

the Committee and the Tribes to determine if in fact there was an inequitable calculation regarding the original principal amounts as originally determined under P.L. 105-132 and P.L. 104-223.

This concludes my testimony. I will be happy to respond to any questions you may have. Thank you.