



**CONGRESSIONAL BUDGET OFFICE  
PAY-AS-YOU-GO ESTIMATE**

November 3, 2000

**S. 964  
Cheyenne River Sioux Tribe Equitable Compensation Act**

*As cleared by the Congress on October 24, 2000*

CBO estimates that S. 964 would pay the Cheyenne River Sioux Tribe \$493 million in 2011 for the taking of certain land in South Dakota. It also would authorize the Forest Service to convey certain lands in Alaska to the Chugach Alaska Corporation. S. 964 would affect direct spending, but CBO estimates that the net change in direct spending would be negligible in each year through 2010.

Title I would provide additional compensation to the Cheyenne River Sioux Tribe for the taking of 104,492 acres of land by the federal government to construct the Oahe Dam and Reservoir project. Construction of the dam began in 1948 and compensation of about \$10 million was paid to the tribe in 1955. The act would establish the Cheyenne River Sioux Tribal Recovery Trust Fund and would direct the Secretary of the Treasury to deposit \$291 million in the fund on the first day of fiscal year 2011. An additional deposit equal to the amount of interest that the fund would have earned if the fund had been capitalized and invested in 2001 would be made at the same time. CBO estimates that this additional payment would total \$202 million, for a total deposit of \$493 million in 2011. Once the Secretary pays these amounts, any monetary claims the tribe may have against the United States regarding this project would be extinguished. Starting in 2011, the act would allow the tribe to spend amounts equivalent to the annual interest earned on the fund pursuant to a tribal spending plan.

The federal budget excludes trust funds that are held and managed in a fiduciary capacity by the federal government on behalf of Indian tribes. Hence, deposits to the trust fund established under this provision would be treated as payments to a nonfederal entity. As a result, CBO expects that the entire amount deposited to the fund in 2011 would be recorded as budget authority and outlays in that year. Because the trust fund would be nonbudgetary, the subsequent use of such funds by the tribe would have no further effect on federal outlays.

Title IV would authorize the Forest Service to convey certain land in Alaska to the Chugach Alaska Corporation. Under the act, the corporation could purchase the land from the Forest Service for \$9,000 during fiscal year 2001. Proceeds from the sale would be deposited in the Natural Resource Damage Assessment and Restoration Fund and could be spent without further appropriation action. Thus, CBO estimates that any change in direct spending as a result of this provision would be negligible.

The CBO staff contact for this estimate is Lanette J. Walker. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.