



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

August 21, 2002

S. 2018

T'uf Shur Bien Preservation Trust Area Act

*As ordered reported by the Senate Committee on Energy and Natural Resources
on July 31, 2002*

SUMMARY

S. 2018 would resolve a land dispute between the federal government and the Pueblo of Sandia, a federally recognized Indian tribe. CBO estimates that enacting S. 2018 would increase direct spending by \$3 million in 2003 and governmental receipts by less than \$500,000 a year. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply.

S. 2018 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The provisions of this bill are generally consistent with a settlement agreement signed by the Pueblo of Sandia and would impose no costs on the tribe other than those it would incur voluntarily as a party to that agreement.

BACKGROUND AND SUMMARY OF MAJOR PROVISIONS

The underlying dispute giving rise to S. 2018 involves the Pueblo of Sandia's claim to roughly 10,000 acres of federal lands currently administered by the Forest Service as part of the Sandia Mountain Wilderness and Cibola National Forest in New Mexico. The tribe believes that the federal government mistakenly excluded those lands from the tribe's original land grant due to an inaccurate land survey conducted by the Department of the Interior in 1859. The tribe filed an action against the federal government in 1994. Several other parties, including local governments, private landowners, and a private company subsequently became involved in that litigation. While the case was pending, all of the parties began to negotiate a settlement agreement which eventually was signed in April 2000, but only by the tribe, the federal government, and a private company.

S. 2018 would largely implement that settlement agreement. In doing so, the bill would extinguish the tribe's claims to the disputed lands. In exchange, the bill would establish the

T'uf Shur Bien Preservation Trust Area on 9,890 acres of those lands. The Forest Service would retain ownership of the proposed area and continue to manage it as part of the national forest system, but S. 2018 would give the Pueblo of Sandia certain rights to use the area. In addition, the bill would direct the Forest Service to manage the proposed area in consultation with the tribe, establish a process for resolving disputes over land-use decisions, and specify other conditions for future management of the area. S. 2018 also would direct the Secretary of the Interior to take into trust on behalf of the Pueblo of Sandia certain lands currently owned by the tribe. Finally, S. 2018 would provide up to \$3 million in new direct spending authority for the Secretary of the Treasury to reimburse certain costs incurred by participants in court proceedings related to the land dispute.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2018 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By Fiscal Year, in Millions of Dollars				
	2003	2004	2005	2006	2007
CHANGES IN DIRECT SPENDING^a					
Estimated Budget Authority	3	0	0	0	0
Estimated Outlays	3	0	0	0	0

a. S. 2018 also would affect revenues and spending subject to appropriation, but CBO estimates that such effects would not be significant in any year.

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 2018 will be enacted by the end of fiscal year 2002. CBO estimates that the bill would increase direct spending by \$3 million in 2003 and would have a negligible effect on governmental receipts (revenues). We also estimate that administrative costs of federal agencies would increase by less than \$500,000 annually, assuming appropriation of the necessary amounts.

Direct Spending

S. 2018 would authorize the Secretary of the Treasury to spend, without further appropriation, up to \$3 million to reimburse parties to the lawsuit brought against the federal government by the Pueblo of Sandia for certain costs incurred to participate in that lawsuit. Based on information from the tribe and other eligible parties, CBO estimates that the Secretary would spend \$3 million for such reimbursements in 2003.

S. 2018 specifies that any reimbursements made pursuant to the bill would be in lieu of amounts that might otherwise be paid under the Equal Access to Justice Act. That act authorizes the federal government, under certain circumstances, to reimburse legal fees and expenses of parties who successfully sue the federal government. Under current law, the tribe is the only party that might qualify for reimbursements under that act, but whether the tribe would receive such reimbursements and when that might occur is very uncertain. Hence, CBO assumes that any forgone spending under the Equal Access to Justice Act would be negligible, and we estimate that the net increase in direct spending under S. 2018 would total about \$3 million.

Revenues

S. 2018 would authorize the Secretary of Agriculture to accept and use contributions from the Pueblo of Sandia or other nonfederal entities for certain administrative activities and the general benefit of the proposed trust area. Based on information from the Forest Service, we estimate that any cash contributions, which are recorded on the budget as governmental receipts, would not be significant in any year.

Spending Subject to Appropriation

Based on information from the Forest Service and the Department of the Interior, CBO estimates that those agencies would spend less than \$500,000 a year to implement S. 2018, assuming appropriation of the necessary amounts. According to the the Forest Service, designating the T'uf Shur Bien Preservation Trust Area and formalizing the process of consulting with the tribe on the management of lands within that area would not significantly affect the agency's costs to manage them. Likewise, the Department of the Interior expects that taking lands into trust on behalf of the tribe would not significantly increase federal costs.

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 net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table.

	By Fiscal Year, in Millions of Dollars									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Changes in outlays	3	0	0	0	0	0	0	0	0	0
Changes in receipts	0	0	0	0	0	0	0	0	0	0

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 2018 contains no intergovernmental or private-sector mandates as defined in UMRA. The provisions of this bill are generally consistent with a settlement agreement signed by the Pueblo of Sandia, and would impose no costs on the tribe other than those it would incur voluntarily as a party to that agreement.

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