



**CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE**

August 28, 2003

**S. 428**

**Assiniboine and Sioux Tribes of the Fort Peck Reservation  
Judgment Fund Distribution Act of 2003**

*As ordered reported by the Senate Committee on Indian Affairs on July 30, 2003*

S. 428 would establish procedures for the distribution of about \$1 million in judgment awards held in trust funds on behalf of the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, \$38 million held in trust funds on behalf of the members of the Mescalero Apache, and \$6 million held in trust funds on behalf of the members of the Pueblo of Isleta Tribes. Under current law, the funds cannot be spent or distributed by the tribes until the Congress approves a plan to allocate the funds. CBO estimates that enacting S. 428 would have no effect on the federal budget.

These trust funds are held and managed in a fiduciary capacity by the federal government on behalf of Indian tribes and are treated in the budget as nonfederal funds. As a result, outlays were recorded on the budget when the judgments were awarded to the tribes and paid into those funds. Consequently, there is no federal budget impact when the money is distributed to the individual members of the tribes. Therefore, CBO estimates that enacting S. 428 would have no effect on the federal budget.

The Assiniboine and Sioux Tribes were awarded over \$1 million in 1999 as compensation for the federal government's failure to pay interest earned on trust funds held by the Treasury on behalf of the tribe. S. 428 would provide payments for health, education, housing, and social services programs of the tribe—a total of about \$1 million.

In 2002, the Mescalero Apache were awarded \$6 million as compensation for the government's mismanagement of timber resources, and the Pueblo of Isleta were awarded \$40 million as compensation for the taking of aboriginal lands by the United States. Under S. 428, the Secretary of the Interior must submit plans for distributing the balances of such funds—about \$44 million—to the Congress. The distribution plans would become effective 60 days following submission if the Congress fails to take further action.

S. 428 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

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.