

CHEYENNE RIVER SIOUX TRIBE EQUITABLE
COMPENSATION AMENDMENTS ACT OF 2007

MAY 7, 2007.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 487]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 487) to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir 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. 487 is to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project.

BACKGROUND AND NEED FOR LEGISLATION

In 1954, Congress enacted legislation to provide compensation to the Cheyenne River Sioux Tribe in exchange for the acquisition of the Tribe's lands and for damage resulting from the Oahe Dam and Reservoir Project. The legislation authorized only \$10.6 million for damages, rehabilitation, and administrative expenses related to the settlement. To provide further compensation, in 2000, Public Law 106-511 established a trust in the amount of \$290 million, plus interest, to be available to the tribe in 2011. H.R. 487 seeks to amend existing law by allowing the Tribe to compensate individual tribal members who lost allotted land to the Oahe Dam Project, and to allow the Tribe to access the trust fund money immediately.

COMMITTEE ACTION

H.R. 487 was introduced on January 16, 2007 by Rep. Stephanie Herseth Sandlin (D-SD). The bill was referred to the Committee on Natural Resources, Subcommittee on Water and Power. On April 19, 2007, the Subcommittee met to mark up the bill. It was favorably reported out of Subcommittee by unanimous consent. The bill was then forwarded to the Full Committee. On April 19, 2007, the Natural Resources Committee met to consider the bill. The bill was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007”.

Section 2. Findings

Section 2 of H.R. 487 makes findings that the Oahe Dam and Reservoir Project flooded the fertile bottom land of the Cheyenne River Sioux Reservation, greatly damaging the economy and cultural resources of the Cheyenne River Sioux Tribe. The Tribe was provided additional compensation by Congress with the creation of the Cheyenne River Sioux Tribal Recovery Trust Fund Act; however, that act did not provide for additional compensation to individual landowners that lost land as a result of the Project.

Section 3. Cheyenne River Sioux Tribe Equitable Compensation

Section 3 amends the Cheyenne River Sioux Tribe Equitable Compensation Act to allow the Tribe to compensate individual landowners who lost land to the United States for the Oahe Dam and Reservoir Project from the Tribal Recovery Trust Fund. The legislation directs the Secretary of the Treasury to make five deposits to the Cheyenne River Sioux Tribal Recovery Trust Fund beginning the first fiscal year after enactment of the bill from the general fund of the Treasury. The amount to be deposited in each payment would be equal to \$58,144,591.60; and an additional amount equal to the interest that would have accrued if it had been credited on October 1, 2001, the first fiscal year after the Tribal Recovery Trust Fund was enacted by Public Law 106-511.

The Secretary of the Treasury is directed to invest the Fund only in interest bearing obligations of the United States and separate the investments made on the principal and on the interest into two accounts within the Tribal Recovery Trust Fund, the principal account and the interest account. The interest earned from investing amounts in the principal account will be transferred to the interest account.

The principal account will be invested in equally divisible portions in the next publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively. The interest account shall be invested and reinvested in eligible obligations having the shortest available maturity until the date on which the amounts are withdrawn by the Secretary of the

Treasury and transferred to the Secretary of the Interior for use in accordance with the Act.

At least once each year, the Secretary of the Treasury will review with the Tribe the results of the investment activities and financial status of the Fund during the preceding calendar year. Before making a modification to the investment structure as authorized by the Act, the Secretary of the Treasury is required consult with the Tribe with respect to the modification.

On the first day of the fiscal year after enactment, and on the first day of each fiscal year thereafter, the Secretary of the Treasury will withdraw and transfer all funds in the interest account of the Fund to the Secretary of the Interior for use in accordance with the Act.

Payments of additional compensation to individual landowners or their heirs will not be deposited or transferred into any member landowner's Individual Indian Money account and will not exceed an amount equal to 44.3 percent of the amount transferred by the Secretary of the Interior to the Tribe. The Secretary of the Interior will provide to the Tribe any record requested by the Tribe to identify the heirs of member land-owners.

Section 3 also amends Section 7 of the underlying law to extinguish all claims of an individual landowner, or their heirs, on the acceptance of any payment by the Tribe for damages resulting from the taking by the United States for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program.

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 Natural 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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:

H.R. 487—Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007

Summary: H.R. 487 would amend the Cheyenne River Sioux Tribe Equitable Compensation Act, which was enacted in 2000 to resolve a dispute between that tribe and the federal government. That act established a trust fund for the benefit of the tribe and specifies a schedule for federal deposits to that fund. H.R. 487 would change the timing and amount of those deposits. CBO estimates that enacting H.R. 487 would increase direct spending by \$14 million in 2008 but would decrease direct spending by \$9 million over both the 2008–2012 and 2008–2017 periods. Enacting the bill would not affect revenues.

H.R. 487 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the Cheyenne River Sioux Tribe.

Estimated cost to the Federal Government: The estimated budgetary impact of the bill is shown in the following table. The budgetary impact of this legislation falls within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—									
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
CHANGES IN DIRECT SPENDING										
Spending Under Current Law										
Transfers to Cheyenne										
River Sioux Tribal Recovery Trust Fund										
Estimated Budget Authority	0	0	0	0	443	0	0	0	0	0
Estimated Outlays	0	0	0	0	443	0	0	0	0	0
Proposed Changes										
Transfers to Cheyenne										
River Sioux Tribal Recovery Trust Fund										
Estimated Budget Authority	0	0	0	0	–152	0	0	0	0	0
Estimated Outlays	0	0	0	0	–152	0	0	0	0	0
Expenditures of Imputed Interest for Transfers										
Estimated Budget Authority	15	19	24	26	30	0	0	0	0	0
Estimated Outlays	14	19	24	26	31	0	0	0	0	0
Expenditure of Interest Earned on Principal										
Estimated Budget Authority	0	3	6	9	11	0	0	0	0	0
Estimated Outlays	0	3	6	9	11	0	0	0	0	0
Total Changes										
Estimated Budget Authority	15	22	30	35	–111	0	0	0	0	0
Estimated Outlays	14	22	30	35	–110	0	0	0	0	0
Spending Under H.R. 487										
Estimated Budget Authority	15	22	30	35	332	0	0	0	0	0

	By fiscal year, in millions of dollars—									
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Estimated Outlays	14	22	30	35	333	0	0	0	0	0

Basis of estimate: By changing the amount and timing of scheduled deposits to the affected tribal trust fund, CBO estimates that enacting H.R. 487 would result in \$434 million in direct spending over the next 10 years—\$9 million less than estimated under current law. For this estimate, CBO assumes that H.R. 487 will be enacted in fiscal year 2007 and that deposits to the trust fund will begin in 2008.

Direct spending under current law

In 2000, the Congress enacted the Cheyenne River Sioux Tribe Equitable Compensation Act to compensate the tribe for 104,492 acres of land acquired by the federal government for the Oahe Dam and Reservoir Project, which is part of the Pick-Sloan Missouri River Basin program. The act created the Cheyenne River Sioux Tribal Recovery Trust Fund and directs the Secretary of the Treasury to transfer \$291 million into the trust fund plus the amount of interest that would have been accrued if the amount had been deposited in fiscal year 2002. This transfer, which CBO estimates will total approximately \$443 million, is set to occur in 2012 under current law. Once the Secretary completes the transfer, all monetary claims against the United States for the Oahe Dam and Reservoir Project will be extinguished. At that time, consistent with the treatment of similar tribal trust funds, amounts within the trust fund will be considered under tribal ownership.

The federal budget excludes trust funds that are held and managed in a fiduciary capacity by the federal government on behalf of Indian tribes. Because the affected trust fund will be considered nonbudgetary once it is fully capitalized, the scheduled deposit to the trust fund in 2012 will be considered direct spending and a transfer of funds to a nonfederal entity. Thereafter, subsequent cash flows involving the fund will have no effect on the federal budget.

Direct spending under H.R. 487

Transfers to the Cheyenne River Sioux Tribal Fund. H.R. 487 would direct the Secretary of the Treasury to begin deposits to the trust fund earlier than under current law. For each of five fiscal years beginning in 2008, the bill would direct the transfer of approximately \$58 million to the fund. Because the conditions necessary to remove the fund from the federal budget (i.e., final extinguishment of claims against the federal government) would not be met until the final deposit is made, transfers to the fund during the first four years would be considered intragovernmental and would have no net effect on the federal budget. Following the final deposit in 2012, the trust fund would become nonbudgetary. The trust fund would be reclassified at that time and direct spending of the full balance of the fund, which CBO estimates would total \$291 million, would be recorded on the budget at that time.

By accelerating deposits to the fund, H.R. 487 would eliminate the Secretary's current obligation to transfer the estimated total of \$443 million in 2012. As a result, CBO estimates that enacting the

bill would reduce direct spending by \$152 million for the transfer in 2012 (i.e., \$443 million minus \$291 million).

Expenditure of Imputed Interest for Transfers. H.R. 487 would direct the Secretary to transfer an amount equal to the interest that would have been earned had each payment of \$58 million been made in 2002 and invested up until the time of actual payment under the bill. This transfer would be deposited into a separate fund that could be immediately expended by the tribe. Based on information from the Department of the Treasury, CBO estimates that such interest payments to the tribe would increase direct spending by \$14 million in 2008 and \$114 million over the 2008–2012 period.

Expenditure of Interest Income Under H.R. 487. Current law directs the Secretary to distribute any interest earned by the trust fund to the tribe. Under the current schedule, the fund will carry no balances until 2012 and will generate no interest until it is fully capitalized and reclassified as nonbudgetary. Therefore, under current law, the federal budget does not include any direct spending for the tribe's use of interest. Under H.R. 487, however, interest would accrue on deposits made during the 2008–2011 period, prior to the reclassification of the trust fund in 2012. Because such interest would not be available for expenditure until the following fiscal year, CBO estimates that this provision would have no effect on direct spending in 2008 but would increase direct spending by \$29 million over the 2009–2012 period.

Intergovernmental and private-sector impact: H.R. 487 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the Cheyenne River Sioux Tribe.

Estimate prepared by: Federal costs: Daniel Hoople; Impact on State, local, and tribal governments: Marjorie Miller; Impact on the Private Sector: Amy Petz.

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

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 487 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or (f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

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SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) * * *

* * * * *

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

[(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

[(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);]

(A) the United States did not justly or fairly compensate the Tribe and member landowners for the Oahe Dam and Reservoir project, under which the United States acquired 104,492 acres of land of the Tribe and member landowners; and

(B) the Tribe and member landowners should be adequately compensated for that land;

* * * * *

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe *and member landowners* for the acquisition by the Federal Government of 104,492 acres of land of the Tribe *and member landowners* for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

* * * * *

SEC. 103. DEFINITIONS.

In this title:

(1) *MEMBER LANDOWNER.*—The term “member landowner” means a member of the Tribe (or an heir of such a member) that owned land (including land allotted under the Act of February 8, 1887 (24 Stat. 388, chapter 119)) located on the Cheyenne River Sioux Reservation that was acquired by the United States for the Oahe Dam and Reservoir Project.

(2) *TRIBAL COUNCIL.*—The term “Tribal Council” means the governing body of the Tribe.

[(1)] (3) *TRIBE.*—The term “Tribe” means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) * * *

[(b)] *FUNDING.*—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the

Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

[(1) \$290,722,958; and

[(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

[(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of the Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.】

(b) FUNDING.—On the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007 and on the first day of each of the following 4 fiscal years (referred to in this section as the “capitalization dates”), the Secretary of the Treasury shall deposit into the Fund, from amounts in the general fund of the Treasury—

(1) \$58,144,591.60; and

(2) an additional amount equal to the amount of interest that would have accrued if—

(A) the amount described in paragraph (1) had been—

(i) credited to the principal account as described in subsection (c)(2)(B)(i)(I) on the first day of the fiscal year beginning October 1, 2001; and

(ii) invested as described in subsection (c)(2)(C) during the period beginning on the date described in clause (i) and ending on the last day of the fiscal year before the fiscal year in which that amount is deposited into the Fund; and

(B) the interest that would have accrued under subparagraph (A) during the period described in subparagraph (A)(ii) had been—

(i) credited to the interest account under subsection (c)(2)(B)(ii); and

(ii) invested during that period in accordance with subsection (c)(2)(D)(i).

(c) INVESTMENTS.—

(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the Fund only in interest-bearing obligations of the United States issued directly to the Fund.

(2) INVESTMENT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with this paragraph.

(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

(i) PRINCIPAL ACCOUNT.—The amounts deposited into the Fund under subsection (b)(1) shall be—

(I) credited to a principal account within the Fund (referred to in this paragraph as the “principal account”); and

(II) invested in accordance with subparagraph (C).

(ii) *INTEREST ACCOUNT.*—

(I) *IN GENERAL.*—The interest earned from investing amounts in the principal account shall be—

(aa) transferred to a separate interest account within the Fund (referred to in this paragraph as the “interest account”); and

(bb) invested in accordance with subparagraph (D).

(II) *CREDITING.*—The interest earned from investing amounts in the interest account, and the amounts deposited into the Fund under subsection (b)(2), shall be credited to the interest account.

(C) *INVESTMENT OF PRINCIPAL ACCOUNT.*—

(i) *INITIAL INVESTMENT.*—Amounts in the principal account shall be initially invested in eligible obligations with the shortest available maturity.

(ii) *SUBSEQUENT INVESTMENTS.*—

(I) *IN GENERAL.*—On the date on which the amount in the principal account is divisible into 3 substantially equal portions, each portion shall be invested in eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

(II) *MATURITY OF OBLIGATIONS.*—As each 2-year, 5-year, and 10-year eligible obligation under subclause (I) matures, the principal of the maturing eligible obligation shall be initially invested in accordance with clause (i) until the date on which the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

(iii) *DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.*—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in available eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations with maturities of longer than 1 year.

(D) *INVESTMENT OF INTEREST ACCOUNT.*—

(i) *BEFORE EACH CAPITALIZATION DATE.*—For purposes of subsection (b)(2)(B), amounts considered as if they were in the interest account of the Fund shall be invested in eligible obligations that are identical (ex-

cept for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the applicable capitalization date for the Fund.

(ii) *ON AND AFTER EACH CAPITALIZATION DATE.*—On and after each capitalization date, amounts in the interest account shall be invested and reinvested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the date on which the amounts will be withdrawn by the Secretary of the Treasury and transferred to the Secretary of the Interior for use in accordance with subsection (d).

(E) *PAR PURCHASE PRICE.*—

(i) *IN GENERAL.*—To preserve in perpetuity the amount in the principal account, the purchase price of an eligible obligation purchased as an investment of the principal account shall not exceed the par value of the obligation.

(ii) *TREATMENT.*—At the maturity of an eligible obligation described in clause (i), any discount from par in the purchase price of the eligible obligation shall be treated as interest paid at maturity.

(F) *HOLDING TO MATURITY.*—Eligible obligations purchased pursuant to this paragraph shall be held to their maturities.

(3) *ANNUAL REVIEW OF INVESTMENT ACTIVITIES.*—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Tribe the results of the investment activities and financial status of the Fund during the preceding calendar year.

(4) *MODIFICATIONS.*—

(A) *IN GENERAL.*—If the Secretary of the Treasury determines that investing the Fund in accordance with paragraph (2) is not practicable or would result in adverse consequences to the Fund, the Secretary of the Treasury shall modify the requirements to the least extent necessary, as determined by the Secretary of the Treasury.

(B) *CONSULTATION.*—Before making a modification under subparagraph (A), the Secretary of the Treasury shall consult with the Tribe with respect to the modification.

(d) *PAYMENT OF INTEREST TO TRIBE.*—

[(1) *WITHDRAWAL OF INTEREST.*—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.]

(1) *WITHDRAWAL OF INTEREST.*—Beginning on the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007, and on the first day of each fiscal year there-

after, the Secretary of the Treasury shall withdraw and transfer all funds in the interest account of the Fund to the Secretary of the Interior for use in accordance with paragraph (2), to be available without fiscal year limitation.

* * * * *

(f) PLAN.—
(1) * * *

* * * * *

(3) MEMBER LANDOWNERS.—

(A) ADDITIONAL COMPENSATION.—

(i) *IN GENERAL.*—*Except as provided in clause (iii), the plan may provide for the payment of additional compensation to member landowners for acquisition of land by the United States for use in the Oahe Dam and Reservoir Project.*

(ii) *DETERMINATION OF HEIRS.*—*An heir of a member land owner shall be determined pursuant to the applicable probate code of the Tribe.*

(iii) *EXCEPTION.*—*During any fiscal year, payments of additional compensation to a member landowner under clause (i) shall not—*

(I) *be deposited or transferred into—*

(aa) *the Individual Indian Money account of the member landowner; or*

(bb) *any other fund held by the United States on behalf of the member landowner; or*

(II) *exceed an amount equal to 44.3 percent of the amount transferred by the Secretary of the Interior to the Tribe under paragraph (2).*

(B) *PROVISION OF RECORDS.*—*To assist the Tribe in processing claims of heirs of member landowners for land acquired by the United States for use in the Oahe Dam and Reservoir Project, the Secretary of the Interior shall provide to the Tribe, in accordance with applicable laws (including regulations), any record requested by the Tribe to identify the heirs of member landowners by the date that is 90 days after the date of receipt of a request from the Tribe.*

[(3)] (4) PLAN REVIEW AND REVISION.—

(A) * * *

* * * * *

[(4)] (5) AUDIT.—
(A) * * *

* * * * *

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe or any member landowner under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) * * *

* * * * *

[SEC. 107. EXTINGUISHMENT OF CLAIMS.

[Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.**]**

SEC. 107. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—On the date on which the final payment is deposited into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking by the United States of land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

(b) EFFECT OF ACCEPTANCE OF PAYMENT.—On acceptance by a member landowner or an heir of a member landowner of any payment by the Tribe for damages resulting from the taking by the United States of land or property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program, all monetary claims that the member landowner or heir has or may have against the United States for the taking shall be extinguished.

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