

TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS
SETTLEMENT ACT

SEPTEMBER 5, 1996.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3640]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3640) to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Torres-Martinez Desert Cahuilla Indians Claims Settlement Act”.

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive Order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909 an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and

drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled "United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. The Imperial Irrigation District and Coachella Valley Water District", Case No. 82-1790 K (M) (hereafter in this section referred to as the "U.S. Suit") on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay \$212,908.41 in past and future damages and the Imperial Irrigation District to pay \$2,795,694.33 in past and future damages in lieu of the United States' request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Numbers 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92-55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al., Case No. 91-1670 J (LSP) (hereafter in this section referred to as the "Indian Suit") in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the District Court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this Act is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Tribe" means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) The term "allottees" means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) The term "Salton Sea" means the inland body of water located in Riverside and Imperial counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) The term "Settlement Agreement" means the Agreement of Compromise and Settlement Concerning Claims to Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "permanent flowage easement" means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills and any other water which overflows and floods such lands, originating from lands within such water districts.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. SETTLEMENT FUNDS.**(a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.—**

(1) **IN GENERAL.**—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the “Torres-Martinez Settlement Trust Funds Account”, the “Torres-Martinez Allottees Settlement Account I”, and the “Torres-Martinez Allottees Settlement Account II”, respectively.

(2) **AVAILABILITY.**—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.—

(1) **IN GENERAL.**—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) **CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.**—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of \$337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) **CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.**—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of \$3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) **CASH PAYMENTS BY THE UNITED STATES.**—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of \$10,200,000, of which sum—

(A) \$4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) \$6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) **ADDITIONAL PAYMENTS.**—In the event that any of the sums described in paragraphs (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) **SEVERALLY LIABLE FOR PAYMENTS.**—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) **ADMINISTRATION OF SETTLEMENT TRUST FUNDS.**—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 6. TRUST LAND ACQUISITION AND STATUS.**(a) ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.—**

(1) **IN GENERAL.**—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this Act. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this Act shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this Act.

(2) **PRIMARY ACQUISITION AREA.**—(A) The primary area within which lands may be acquired pursuant to paragraph (1) are those certain lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The

amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust by reason of paragraph (3).

(B) Lands may not be acquired under this paragraph if by majority vote of the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) objects to the Tribe's request to convey such lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(3) SECONDARY ACQUISITION AREA.—

(A) Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city whose incorporated boundaries the subject lands are situated within, or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(b) RESTRICTIONS ON GAMING.—The Tribe shall have the right to conduct gaming on only one site within the lands acquired pursuant to subsection (a)(1) as more particularly provided in the Settlement Agreement.

(c) WATER RIGHTS.—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 7. PERMANENT FLOWAGE EASEMENTS.

(a) CONVEYANCE OF EASEMENT TO COACHELLA VALLEY WATER DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES INTEREST.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) CONVEYANCE OF EASEMENT TO IMPERIAL IRRIGATION DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

SEC. 8. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) **SATISFACTION OF CLAIMS.**—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this Act shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 2 of this Act and further defined in the Settlement Agreement.

(b) **APPROVAL OF WAIVERS AND RELEASES.**—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this Act.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) **ELIGIBILITY FOR BENEFITS.**—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) **ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.**—No payment pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) **PRESERVATION OF EXISTING RIGHTS.**—Except as provided in this Act or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) **AMENDMENT OF SETTLEMENT AGREEMENT.**—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided by subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) **EXCEPTION.**—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary of the Interior determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this Act and executes the releases and waivers required by the Settlement Agreement and this Act.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this Act.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 3640 is to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3640 would settle a land claim made by the Torres-Martinez Indian tribe against the United States and two irrigation districts in California. This legislation would ratify an agreement negotiated between the Administration, the Tribe, the Coachella Valley Water District (CVWD) and the Imperial Irrigation District (IID).

The settlement agreement reached between the parties provides that the Tribe will receive \$14 million in compensation for its land losses, \$4 million to be paid by the two water districts (IID and CVWD) and \$10 million to be paid by the United States government. In addition, pursuant to the agreement, the Tribe is given the right to acquire 11,160 acres of land within a specified area adjacent to the existing tribal lands and 640 acres of land within another specified area near but not adjacent to existing Tribal lands.

Water rights of local communities will not be changed by acquisitions by the Tribe pursuant to this settlement agreement. Accord-

ing to the agreement, the Tribe must use canal water whenever possible and, when necessary, pay groundwater replenishment fees. The agreement also grants to the two water districts a permanent drainage easement allowing them to drain water into the Salton Sea.

COMMITTEE ACTION

H.R. 3640 was introduced on June 13, 1996, by Congressman Sonny Bono (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Native American and Insular Affairs. On June 19, 1996, the Subcommittee held a hearing on H.R. 3640, where the Administration testified in favor of H.R. 3640. On June 19, 1996, the Subcommittee met to mark up H.R. 3640. The bill was ordered favorably reported to the Full Committee by voice vote without amendment.

On August 1, 1996, the Full Resources Committee met to consider H.R. 3640. An en bloc technical amendment was offered by Congressman Don Young (R-AK). The en bloc amendment was offered to insure that H.R. 3640 does not abrogate water rights and other legal rights when land is taken into trust, to make clear that it is not the intent of the settlement agreement to impede localities from entering into legally binding arrangements with Tribes, and to eliminate a potential misreading of the bill to give the Torres-Martinez Tribe certain rights not afforded to other tribes. The amendment was adopted by voice vote. A technical amendment to change the incorrect reference to the north end of the Salton Sink on page 2 and to insert the date, on page 6, on which all seven signatures were obtained for the Settlement Agreement defined in the bill was offered by Congressman Elton Gallegly (R-CA), and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives, in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the “Torres-Martinez Desert Cahuilla Indians Claims Settlement Act”.

Section 2. Congressional findings and purpose

This section makes various Congressional findings relating to the history of the Tribe, the creation of the Salton Sea, the inundation of Tribal lands, and the land claim litigation which followed.

The purpose of H.R. 3640, specified in this section, is to facilitate and implement a land claim settlement agreement negotiated and executed by the various parties to the aforementioned litigation which would resolve related land claims.

Section 3. Definitions

This section provides various definitions for the purposes of this Act.

Section 4. Ratification of settlement agreement

This section provides that this Act approves, ratifies, and confirms the land claim settlement agreement referred to in Section 2.

Section 5. Settlement funds

This section establishes three land claim settlement trust funds in the United States Treasury which shall be available to the Secretary of the Interior for distribution to the Tribe and to tribal allottees pursuant to the terms and conditions of the settlement agreement.

This section also provides the amounts to be paid by certain parties to the United States for deposit into the aforementioned trust fund accounts. Interest shall be paid in those instances where payments are not timely.

Section 6. Trust land acquisition and status

This section provides that the Secretary of the Interior shall take land into trust acquired by the Tribe from within two acquisition areas which are defined in the settlement agreement. Those lands acquired shall be subject to all valid and existing water rights.

Section 7. Permanent flowage easements

This provision provides that the United States and the Tribe shall convey permanent flowage easements to all Indian trust lands and all Federal lands, located below the minus 220-foot contour of the Salton Sink, to the Coachella Valley Water District and the Imperial Irrigation District.

Section 8. Satisfaction of claims, waivers, and releases

This section provides that the benefits provided by this Act shall constitute full and complete satisfaction to the Tribe and allottees arising from the land claims defined in the settlement agreement. It also provides that the United States confirms the releases and waivers required by the settlement agreement.

Section 9. Miscellaneous provisions

This provision provides that this Act shall not reduce, deny, diminish, or otherwise affect certain Tribal rights.

Section 10. Authorization of appropriations

This provision authorizes such sums as are necessary to carry out this Act.

Section 11. Effective date

This section provides that all provision of this Act shall take effect on the date of enactment of this Act except certain sections which shall take effect on the date on which the Secretary of the Interior determines that certain conditions have been met.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee

on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3640 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 3640. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3640 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3640.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 3640 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 19, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3640, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act.

Enacting H.R. 3640 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3640.
2. Bill title: Torres-Martinez Desert Cahuilla Indians Claims Settlement Act.
3. Bill status: As ordered reported by the House Committee on Resources on August 1, 1996.
4. Bill purpose: H.R. 3640 would ratify a settlement agreement entered into by the Department of Justice, the Imperial Irrigation District, the Coachella Valley Water District, and the Torres-Martinez Cahuilla Indian Tribe. The settlement agreement is designed to provide compensation to the tribe for the flooding of reservation lands and relief against further inundation of those lands. According to the agreement, the tribe would receive monetary compensation from the United States and the two water districts. In addition, the Interior Department would take into trust up to 11,800 acres of land acquired by the tribe, and the tribe would be permitted to conduct gaming on lands taken into trust pursuant to the agreement.
5. Estimated cost to the Federal Government: The bill would authorize an appropriation of \$6 million to the tribe and its member landowners. Assuming enactment by the end of fiscal year 1996 and appropriation of the funds for fiscal year 1997, CBO estimates that the tribe would spend out the money over the next three years.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Spending subject to appropriation:						
Authorization level		6				
Estimated outlays		3	2	1		

The costs of this bill fall within budget function 450.

The tribe also would receive a payment of \$4.2 million from the Claims and Judgments Fund. This payment would not represent a new obligation of the U.S. government, but would simply satisfy a commitment already made. That commitment stems from court action begun in 1982 and ultimately resolved by the settlement agreement negotiated by the parties to two separate suits, both of which have been suspended pending the outcome of such negotiations. The agreement entered into by the Department of Justice, the water districts, and the tribe calls for payment by the U.S. government of \$4.2 million to the tribe. (The agreement also calls for payments by the two water districts to the tribe). Because the settlement agreement commits the U.S. government to the \$4.2 million payment, enacting H.R. 3640 would not cause any increase in direct spending from the Claims and Judgments Fund.

6. Basis of estimates: Funds that the tribe would receive may be spent on attorney fees, per capita payments, land acquisition, and other activities as stipulated by the settlement agreement. CBO expects that some of the funds would be spent quickly, while other activities such as the purchase of land would take longer. As a result, we estimate that about one-half of the \$6 million would be spent in the year that funds are appropriated, with the remainder spread over the subsequent two years.

7. Pay-as-you-go considerations: None.

8. Estimated impact on State, local, and tribal governments: H.R. 3640 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no costs on state, local, or tribal governments. Any costs resulting from the settlement agreement covered by this bill would be incurred voluntarily by state, local, and tribal governments as parties to the agreement.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104-4.

10. Previous CBO estimate: On August 9, 1996, CBO prepared a cost estimate for S. 1893, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act, as ordered reported by the Senate Committee on Indian Affairs on July 24, 1996. The two bills are very similar, and the estimates are identical.

11. Estimate prepared by—Federal Cost Estimate: Rachel Robertson and Lisa Daley; impact on State, Local, and Tribal Governments: Marjorie Miller; impact on the Private Sector: Amy Downs.

12. Estimate approved by: Peter Fontaine, for Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3640 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 3640 would make no changes in existing law.

