

AGUA CALIENTE BAND OF CAHUILLA INDIANS

SEPTEMBER 3, 1997.—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

REPORT

[To accompany H.R. 700]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, 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. REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES.

(a) **IN GENERAL.**—The fourth undesignated paragraph in section 3(b) of the Act entitled “An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes” approved September 21, 1959 (25 U.S.C. 951 et seq.), is amended by striking “east: *Provided,*” and all that follows through “deceased member,” and inserting “east.”

(b) **EFFECTIVE DATE AND AGREEMENT TO MAKE PAYMENT.**—The amendment made by subsection (a) shall apply with respect to net rents, profits, and other revenues that accrue on or after the date of distribution of the payment, as provided in Tribal Ordinance 22 dated August 6, 1996, to those referenced in Exhibit B of Tribal Ordinance 22.

PURPOSE OF THE BILL

The purpose of H.R. 700 is to remove a restriction on the distribution of certain revenues from the Mineral Springs parcel of land to certain members of the Agua Caliente Band of Cahuilla Indians.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 700 would remove a revenue distribution restriction created in Public Law 86–339, a 1959 statute which related in part to the distribution of certain revenues to 85 members of the Agua Caliente Band of Cahuilla Indians.

The 1959 Act exempted lands known as the Mineral Springs lots from an allotment process which had been developed to distribute the Band's public lands to individual members of the Band. The Mineral Springs lots were set apart and designated as tribal reserves. Revenues generated by the Mineral Springs lots were designated in the 1959 Act to be used to offset inequities in the allotments to 85 members of the Band and their heirs created in part by the withdrawal of the Mineral Springs lots from the allotment process.

H.R. 700 would endorse a 1996 ordinance enacted by the Band which would compensate those members of the Band, or their heirs, entitled to a cash payment or equalization allotment in satisfaction of the requirements of the 1959 Act. The amount of the compensation for each of the 85 members, \$22,000, has been placed into escrow by the Band. The provisions of H.R. 700 will take effect on or after the date of distribution of the aforementioned compensation to the 85 members of the Band.

COMMITTEE ACTION

H.R. 700 was introduced on February 12, 1997, by Congressman Sonny Bono (R–CA). The bill was referred to the Committee on Resources. On June 24, 1997, the full Committee on Resources held a hearing on H.R. 700, where the Administration testified in support of the bill. On July 16, 1997, the full Committee on Resources met to consider H.R. 700. An amendment to provide that the provisions of H.R. 700 will take effect on or after the date of distribution of the compensation to the 85 members of the Band was offered by Congressman Dale Kildee (D–MI) and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 700.

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. 700. 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. 700 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. 700.

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. 700 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 12, 1997.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 700, a bill to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lisa H. Daley (for federal costs), and Marjorie Miller (for the impact on state, local, and tribal governments).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 700—A bill to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians

H.R. 700 would remove a restriction on the distribution of revenues generated by the Mineral Springs parcel of land to certain members of the Agua Caliente Band of Cahuilla Indians. CBO estimates that enacting H.R. 700 would have no impact on the federal budget because the funds and revenues that the bill would affect are nonfederal monies. Because H.R. 700 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 700 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments. Enacting this bill would allow the band to use the revenues derived from the Mineral Springs parcel to fund tribal programs. Enacting H.R. 700 also would result in the payment of funds already set aside by the band for payments to 85 members currently entitled to equalization allotments. These payments were authorized in a tribal ordinance adopted in 1996 and funds have been placed in escrow pending enactment of this legislation. The tribe would pay \$22,000 to each of these members—almost \$1.9 million in total.

The CBO staff contacts for this estimate are Lisa H. Daley (for federal costs), and Marjorie Miller (for the impact on state, local, and tribal governments). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 700 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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 italics, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 21, 1959

AN ACT To provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes.

* * * * *

SEC. 3. (a) * * *

(b) In no event shall the following tribal lands be subject to allotment, and they shall henceforth be set apart and designated as tribal reserves for the benefit and use of the band:

* * * * *

Mineral Springs, lots 3a, 4a, 13, and 14, section 14, township 4 south, range 4 [east: *Provided*, That no distribution to member of the band of the net rents, profits, and other revenues derived from that portion of these lands which is designated as “parcel B” in the supplement dated September 8, 1958, to the lease by and between the Agua Caliente Band of Mission Indians and Palm Springs Spa dated January 21, 1958, or of the net income derived from the investment of such net rents, profits, and other revenues or from the sale of said lands or of assets purchased with the net rents, profits, and other revenues aforesaid or with the net income from the investment thereof shall be made except to those enrolled members who are entitled to an equalization allotment or to a cash payment in satisfaction thereof under this Act or, in the case of such a member who died after the enactment of this Act, to those entitled to participate in his estate, and and such distribution shall be per

capita to living enrolled members and per stirpes to participants in the estate of a deceased member.】 *east.*

* * * * *

