

TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS  
SETTLEMENT ACT

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SEPTEMBER 18, 2000.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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

REPORT

[To accompany 4643]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4643) 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 without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4643 is 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4643 would provide for the settlement of issues and claims related to the loss of approximately 14,000 acres of trust lands by the Torres-Martinez Desert Cahuilla Indians. It would implement a comprehensive settlement negotiated after 18 years of litigation involving the federal government and the Tribe.

Pursuant to the negotiated settlement, this legislation would establish three settlement trust fund accounts in the Department of the Treasury for the benefit of the Tribe into which the United States would pay \$10.2 million. It also provides that the Secretary of the Interior shall take into trust up to 11,800 acres of land to be acquired by the Tribe within a limited area, specified in the negotiated settlement, in the Coachella Valley.

Enactment of H.R. 4643 shall constitute full and complete satisfaction of various claims by the Tribe and allottees for the loss of their trust lands. H.R. 4643 is almost identical to H.R. 3640 which was passed by the House but was not acted upon by the Senate in 1996 (See House Report 104-777).

#### COMMITTEE ACTION

H.R. 4643 was introduced on June 13, 2000, by Congresswoman Mary Bono (R-CA). The bill was referred to the Committee on Resources. On July 26, 2000, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

#### 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 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, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill will result in increased direct spending of approximately \$4 million in fiscal year 2001 (from a \$4 million payment from the Judgment Fund).

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII 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 on this bill.

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:

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, August 17, 2000.

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. 4643, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act.

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

Sincerely,

ARLENE HOLEN  
 (For Dan L. Crippen, Director).

Enclosure.

*H.R. 4643—Torres-Martinez Desert Cahuilla Indians Claims Settlement Act*

Summary: H.R. 4643 would ratify a settlement agreement entered into by the Department of Justice (DOJ), the Imperial Irrigation District, the Coachella Valley Water District, and the Torres-Martinez Desert Cahuilla Indian Tribe. Under the agreement, the tribe would receive a total of \$10 million from the federal government to compensate the tribe for the flooding of reservation lands and relief against further inundation of those lands. In addition, the Department of the Interior (DOI) 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 this land.

The bill would authorize the appropriation of \$6 million to the tribe to satisfy the terms of the settlement agreement. CBO estimates that implementing H.R. 4643 would cost \$6 million in fiscal year 2001. Under the settlement, an additional \$4 million would be paid from the Judgment Fund to the tribe, and would not require appropriation action. Enacting H.R. 4643 would result in direct spending of \$4 million in fiscal year 2001. Because the bill would affect direct spending, pay-as-you-go procedures would apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs resulting from the settlement agreement would be incurred voluntarily by the parties to that agreement.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4643 is shown in the following table. This estimate assumes that the amounts authorized will be appropriated and that the bill will be enacted near the beginning of fiscal year 2001. The costs of this legislation fall within budget function 800 (general government) and 450 (community and regional development).

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level .....	6	0	0	0	0

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
Estimated outlays .....	6	0	0	0	0
CHANGES IN DIRECT SPENDING					
Budget authority .....	4	0	0	0	0
Estimated outlays .....	4	0	0	0	0

Basis of estimate: H.R. 4643 would authorize DOJ and DOI to make payments to new tribal trust funds, including \$4 million from the Judgment Fund and \$6 million from appropriated amounts. These funds could be spent on attorney fees, per capita payments, land acquisition, and other activities as provided for in the settlement agreement.

*Spending subject to appropriation*

H.R. 4643 would authorize the appropriation of \$6 million to the trust funds established by this bill to satisfy the settlement agreement entered into by the DOJ, the Imperial Irrigation District, the Coachella Valley Water District, and the Torres-Martinez Desert Cahuilla Indian Tribe. The funds deposited into the trust funds would become the tribe's property, so assuming that appropriations of \$6 million are provided in 2001, outlays of that amount would be recorded in that year.

In addition, the bill would authorize DOI to take into trust up to 11,800 acres of land acquired by the tribe. Based on information from the department, CBO estimates that any administrative cost to the federal government to take those lands into trust would not be significant.

*Direct spending*

Under the terms of the settlement agreement, the federal government would transfer \$4 million into the tribe's trust funds from the Judgment Fund. The funds deposited into the trust funds would become the tribe's property. Because the settlement agreement requires the approval of the Congress, enacting H.R. 4643 would result in additional direct spending of \$4 million in 2001. The tribe does not have a legal claim pending against the federal government, so the Judgment Fund is not available to fund a settlement agreement absent this legislation.

This settlement would extinguish any future claim that the tribe may have against the United States, so it is possible that the amount paid to the tribe under the bill could be offset by a reduction in payments that would be made from the Judgment Fund in future years. However, CBO cannot estimate either the likelihood or the magnitude of such offset because there is no basis for predicting either the outcome of possible litigation against the United States or the amount of compensation, if any.

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 following table summarizes the estimated impact of H.R. 4643 on direct spending.

	By fiscal year, in millions of dollars—										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays <sup>1</sup> .....	0	4	0	0	0	0	0	0	0	0	0
Changes in receipts .....	Not applicable										

<sup>1</sup>This cost could be offset by a reduction in future payments from the Judgment Fund, however, CBO cannot estimate the likelihood or magnitude of such an offset.

**Intergovernmental and private-sector impact:** H.R. 4643 contains no intergovernmental or private-sector mandates as defined in UMRA. Any costs resulting from the settlement agreement would be incurred voluntarily by the parties to that agreement. Under the terms of the agreement, the Coachella Valley Water District and the Imperial Irrigation District would make certain payments for the benefit of the tribe. In return for these payment and other benefits conferred by the agreement, the tribe would give up its claims relating to land flooded by the Salton Sea.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

