

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4699

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1998

Mrs. BONO introduced the following bill; which was referred to the Committee on Resources

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## 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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress finds that—

5               (1) among its purposes, the Act entitled “An  
6       Act to provide for the equalization of allotments on  
7       the Agua Caliente (Palm Springs) Reservation in  
8       California, and for other purposes”, approved Sep-  
9       tember 21, 1959, commonly known as the “Agua

1 Caliente Equalization Act of 1959” (25 U.S.C. 951  
2 et seq.) (referred to in this section as the “Act”)  
3 was intended to provide for a reasonable degree of  
4 equalization of the value of allotments made to mem-  
5 bers of the Agua Caliente Band of Cahuilla Indians;

6 (2) the Act was enacted in response to litigation  
7 in Federal courts in *Segundo, et al. v. United*  
8 *States*, 123 F. Supp. 554 (1954);

9 (3) the case referred to in paragraph (2) was  
10 appealed under the case name *United States v.*  
11 *Pierce*, 235 F. 2d 885 (1956) and that case af-  
12 firmed the entitlement of certain members of the  
13 Band to allotments of approximately equal value to  
14 lands allotted to other members of the Band;

15 (4)(A) to achieve the equalization referred to in  
16 paragraph (3), section 3 of the Act (25 U.S.C. 953)  
17 provided for the allotment or sale of all remaining  
18 tribal lands, with the exception of several specifically  
19 designated parcels, including 2 parcels in the Min-  
20 eral Springs area known as parcel A and parcel B;

21 (B) section 3 of the Act restricted the distribu-  
22 tion of any net rents, profits, or other revenues de-  
23 rived from parcel B to members of the Band and  
24 their heirs entitled to equalization of the value of the  
25 allotments of those members;

1           (C) from 1959 through 1984, each annual  
2 budget of the Band, as approved by the Bureau of  
3 Indian Affairs, provided for expenditure of all reve-  
4 nues derived from both parcel A and parcel B solely  
5 for tribal governmental purposes; and

6           (D) as a result of the annual budgets referred  
7 to in subparagraph (C), no net revenues from parcel  
8 B were available for distribution to tribal members  
9 entitled to equalization under section 3 of the Act  
10 referred to in paragraph (1);

11           (5) by letter of December 6, 1961, the Director  
12 of the Sacramento Area Office of the Bureau of In-  
13 dian Affairs informed the regional solicitor of the  
14 Bureau of Indian Affairs that the equalization of al-  
15 lotments on the Agua Caliente Reservation with re-  
16 spect to those members of the Band who were eligi-  
17 ble for equalization had been completed using all  
18 available excess tribal land in a manner consistent  
19 with—

20                   (A) the decree of the court in the case re-  
21 ferred to in paragraph (2); and

22                   (B) the Act;

23           (6) in 1968, the files of the Department of the  
24 Interior with respect to the case referred to in para-  
25 graph (3), the closure of which was contingent upon

1 completion of the equalization program, were retired  
2 to the Federal Record Center, where they were sub-  
3 sequently destroyed;

4 (7) on March 16, 1983, the Secretary of the In-  
5 terior published notice in the Federal Register that  
6 full equalization had been achieved within the mean-  
7 ing of section 7 of the Act (25 U.S.C. 957);

8 (8) section 7 of the Act states that “allotments  
9 in accordance with the provisions of this Act shall be  
10 deemed complete and full equalization of allotments  
11 on the Agua Caliente Reservation”; and

12 (9) the regulations governing the equalization  
13 of allotments under the Act referred to in paragraph  
14 (1) were rescinded by the Secretary, effective March  
15 31, 1983.

16 **SEC. 2. DEFINITIONS.**

17 In this Act:

18 (1) **BAND.**—The term “Band” means the Agua  
19 Caliente Band.

20 (2) **PARCEL B.**—The term “parcel B” means  
21 the parcel of land in the Mineral Springs area re-  
22 ferred to as “parcel B” in section 3(b) of the Act  
23 entitled “An Act to provide for the equalization of  
24 allotments on the Agua Caliente (Palm Springs)  
25 Reservation in California, and for other purposes”,

1 approved September 21, 1959, commonly known as  
2 the “Agua Caliente Equalization Act of 1959” (25  
3 U.S.C. 953(b)).

4 (3) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Interior.

6 **SEC. 3. EQUALIZATION OF ALLOTMENTS.**

7 (a) IN GENERAL.—The full equalization of allotments  
8 within the meaning of section 7 of the Act entitled “An  
9 Act to provide for the equalization of allotments on the  
10 Agua Caliente (Palm Springs) Reservation in California,  
11 and for other purposes”, approved September 21, 1959,  
12 commonly known as the “Agua Caliente Equalization Act  
13 of 1959” (25 U.S.C. 957) is deemed to have been com-  
14 pleted.

15 (b) EXPIRATION OF ENTITLEMENT.—By reason of  
16 the achievement of the full equalization of allotments de-  
17 scribed in subsection (a), the entitlement of holders of  
18 equalized allotments to distribution of net revenues from  
19 parcel B under section 3(b) of the Act entitled “An Act  
20 to provide for the equalization of allotments on the Agua  
21 Caliente (Palm Springs) Reservation in California, and for  
22 other purposes”, approved September 21, 1959, commonly  
23 known as the “Agua Caliente Equalization Act of 1959”  
24 (25 U.S.C. 953(b)) shall be deemed to have expired.

1 **SEC. 4. REMOVAL OF RESTRICTION.**

2 (a) IN GENERAL.—The fourth undesignated para-  
3 graph in section 3(b) of the Act entitled “An Act to pro-  
4 vide for the equalization of allotments on the Agua  
5 Caliente (Palm Springs) Reservation in California, and for  
6 other purposes”, approved September 21, 1959, commonly  
7 known as the “Agua Caliente Equalization Act of 1959”  
8 (25 U.S.C. 953(b)), is amended by striking “east: *Pro-*  
9 *vided,*” and all that follows through the end of the para-  
10 graph and inserting “east.”.

11 (b) APPLICABILITY.—The amendment made by sub-  
12 section (a) shall apply as if this section had been enacted  
13 on March 31, 1983.

14 (c) SUBSEQUENT DISTRIBUTIONS.—Any per capita  
15 distribution of tribal revenues of the Band made after the  
16 date of enactment of this Act shall be made to all members  
17 of the Band in equal amounts.

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