

In the Senate of the United States,

October 12 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 700) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. FINDINGS.***

2 *Congress finds that—*

3 *(1) among its purposes, the Act entitled “An Act*
4 *to provide for the equalization of allotments on the*
5 *Agua Caliente (Palm Springs) Reservation in Cali-*
6 *fornia, and for other purposes”, approved September*
7 *21, 1959, commonly known as the “Agua Caliente*
8 *Equalization Act of 1959” (25 U.S.C. 951 et seq.) (re-*
9 *ferred to in this section as the “Act”) was intended*
10 *to provide for a reasonable degree of equalization of*

1 *the value of allotments made to members of the Agua*
2 *Caliente Band of Cahuilla Indians;*

3 *(2) the Act was enacted in response to litigation*
4 *in Federal courts in Segundo, et al. v. United States,*
5 *123 F. Supp. 554 (1954);*

6 *(3) the case referred to in paragraph (2) was ap-*
7 *pealed under the case name United States v. Pierce,*
8 *235 F. 2d 885 (1956) and that case affirmed the enti-*
9 *tlement of certain members of the Band to allotments*
10 *of approximately equal value to lands allotted to other*
11 *members of the Band;*

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

18 *(B) section 3 of the Act restricted the distribu-*
19 *tion of any net rents, profits, or other revenues de-*
20 *derived from parcel B to members of the Band and their*
21 *heirs entitled to equalization of the value of the allot-*
22 *ments of those members;*

23 *(C) from 1959 through 1984, each annual budget*
24 *of the Band, as approved by the Bureau of Indian Af-*
25 *airs, provided for expenditure of all revenues derived*

1 *from both parcel A and parcel B solely for tribal gov-*
2 *ernmental purposes; and*

3 *(D) as a result of the annual budgets referred to*
4 *in subparagraph (C), no net revenues from parcel B*
5 *were available for distribution to tribal members enti-*
6 *tled to equalization under section 3 of the Act referred*
7 *to in paragraph (1);*

8 *(5) by letter of December 6, 1961, the Director of*
9 *the Sacramento Area Office of the Bureau of Indian*
10 *Affairs informed the regional solicitor of the Bureau*
11 *of Indian Affairs that the equalization of allotments*
12 *on the Agua Caliente Reservation with respect to*
13 *those members of the Band who were eligible for*
14 *equalization had been completed using all available*
15 *excess tribal land in a manner consistent with—*

16 *(A) the decree of the court in the case re-*
17 *ferred to in paragraph (2); and*

18 *(B) the Act;*

19 *(6) in 1968, the files of the Department of the*
20 *Interior with respect to the case referred to in para-*
21 *graph (3), the closure of which was contingent upon*
22 *completion of the equalization program, were retired*
23 *to the Federal Record Center, where they were subse-*
24 *quently destroyed;*

1 (7) on March 16, 1983, the Secretary of the Inte-
2 rior published notice in the Federal Register that full
3 equalization had been achieved within the meaning of
4 section 7 of the Act (25 U.S.C. 957);

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

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

13 **SEC. 2. DEFINITIONS.**

14 *In this Act:*

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

17 (2) *PARCEL B.*—The term “parcel B” means the
18 parcel of land in the Mineral Springs area referred
19 to as “parcel B” in section 3(b) of the Act entitled
20 “An Act to provide for the equalization of allotments
21 on the Agua Caliente (Palm Springs) Reservation in
22 California, and for other purposes”, approved Sep-
23 tember 21, 1959, commonly known as the “Agua
24 Caliente Equalization Act of 1959” (25 U.S.C.
25 953(b)).

1 (3) *SECRETARY.*—The term “Secretary” means
2 the Secretary of the Interior.

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

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

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

21 **SEC. 4. REMOVAL OF RESTRICTION.**

22 (a) *IN GENERAL.*—The fourth undesignated paragraph
23 in section 3(b) of the Act entitled “An Act to provide for
24 the equalization of allotments on the Agua Caliente (Palm
25 Springs) Reservation in California, and for other pur-

1 poses”, approved September 21, 1959, commonly known as
2 the “*Agua Caliente Equalization Act of 1959*” (25 U.S.C.
3 953(b)), is amended by striking “*east: Provided,*” and all
4 that follows through the end of the paragraph and inserting
5 “*east.*”

6 (b) *APPLICABILITY.*—The amendment made by sub-
7 section (a) shall apply as if this section had been enacted
8 on March 31, 1983.

9 (c) *SUBSEQUENT DISTRIBUTIONS.*—Any per capita
10 distribution of tribal revenues of the Band made after the
11 date of enactment of this Act shall be made to all members
12 of the Band in equal amounts.

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 700

AMENDMENT