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PUBLIC LAW 105–308—OCT. 30, 1998

AGUA CALIENTE REVENUE DISTRIBUTION

Public Law 105–308
105th Congress

An Act

Oct. 30, 1998
[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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

25 USC 951 note.

SECTION 1. FINDINGS.

Congress finds that—

(1) among its purposes, 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, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 951 et seq.) (referred to in this section as the "Act") was intended to provide for a reasonable degree of equalization of the value of allotments made to members of the Agua Caliente Band of Cahuilla Indians;

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

(3) the case referred to in paragraph (2) was appealed under the case name United States v. Pierce, 235 F. 2d 885 (1956) and that case affirmed the entitlement of certain members of the Band to allotments of approximately equal value to lands allotted to other members of the Band;

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

(B) section 3 of the Act restricted the distribution of any net rents, profits, or other revenues derived from parcel B to members of the Band and their heirs entitled to equalization of the value of the allotments of those members;

(C) from 1959 through 1984, each annual budget of the Band, as approved by the Bureau of Indian Affairs, provided for expenditure of all revenues derived from both parcel A and parcel B solely for tribal governmental purposes; and

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

(5) by letter of December 6, 1961, the Director of the Sacramento Area Office of the Bureau of Indian Affairs

informed the regional solicitor of the Bureau of Indian Affairs that the equalization of allotments on the Agua Caliente Reservation with respect to those members of the Band who were eligible for equalization had been completed using all available excess tribal land in a manner consistent with—

(A) the decree of the court in the case referred to in paragraph (2); and

(B) the Act;

(6) in 1968, the files of the Department of the Interior with respect to the case referred to in paragraph (3), the closure of which was contingent upon completion of the equalization program, were retired to the Federal Record Center, where they were subsequently destroyed;

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

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

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

SEC. 2. DEFINITIONS. 25 USC 951 note.

In this Act:

(1) BAND.—The term "Band" means the Agua Caliente Band.

(2) PARCEL B.—The term "parcel B" means the parcel of land in the Mineral Springs area referred to as "parcel B" 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, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. EQUALIZATION OF ALLOTMENTS. 25 USC 951 note.

(a) IN GENERAL.—The full equalization of allotments within the meaning of section 7 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, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 957) is deemed to have been completed.

(b) EXPIRATION OF ENTITLEMENT.—By reason of the achievement of the full equalization of allotments described in subsection (a), the entitlement of holders of equalized allotments to distribution of net revenues from parcel B under 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, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)) shall be deemed to have expired.

25 USC 951 note.

SEC. 4. REMOVAL OF RESTRICTION.

(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, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)), is amended by striking "east: *Provided,*" and all that follows through the end of the paragraph and inserting "east.".

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

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

Approved October 30, 1998.

LEGISLATIVE HISTORY—H.R. 700:

HOUSE REPORTS: No. 105–241 (Comm. on Resources).
SENATE REPORTS: No. 105–349 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 143 (1997): Sept. 8, considered and passed House.
Vol. 144 (1998): Oct. 12, considered and passed Senate, amended.
Oct. 15, House concurred in Senate amendment.

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