

The Clerk read as follows:

H.R. 3642

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Indian Land Transfer Act".

SEC. 2. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to section 3, all right, title, and interest of the United States in and to the lands described in subsection (b) in connection with each tribe, band, or group of California Indians listed in such subsection (including all improvements on such lands and appurtenances to such lands) are hereby declared to be held in trust status by the United States for the benefit of such tribe, band, or group.

(b) LANDS DESCRIBED.—The lands described in this subsection, comprising approximately 1,144.23 acres, and the related tribe, band, or group, are as follows:

(1) PIT RIVER TRIBE.—Lands with respect to the Pit River Tribe; 560 acres located as follows:

Township 42 North, Range 13 East, Mount Diablo Base and Meridian

Section 3:

S½ of NW¼, NW¼ of NW¼, 120 acres.

Township 43 North, Range 13 East

Section 1:

N½ of NE¼, 80 acres,

Section 22:

SE¼ of SE¼, 40 acres,

Section 25:

SE¼ of NW¼, 40 acres,

Section 26:

SW¼ of SE¼, 40 acres,

Section 27:

SE¼ of NW¼, 40 acres,

Section 28:

NE¼ of SW¼, 40 acres,

Section 32:

SE¼ of SE¼, 40 acres,

Section 34:

SE¼ of NW¼, 40 acres,

Township 44 North, Range 14 East, Mount Diablo Base and Meridian

Section 31:

S½ of SW¼, 80 acres.

(2) BRIDGEPORT PAIUTE INDIAN COLONY.—Lands with respect to the Bridgeport Paiute Indian Colony; 40 acres located as follows:

Township 5 North, Range 25 East, Mount Diablo Base and Meridian

Section 28:

SW¼ of NE¼.

(3) UTU UTU GWAITU PAIUTE TRIBE.—Lands with respect to Utu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation; 240 acres located as follows:

Township 2 South, Range 31 East, Mount Diablo Base and Meridian

Section 11:

SE¼ and E½ of SW¼.

(4) FORT INDEPENDENCE COMMUNITY OF PAIUTE INDIANS.—Lands with respect to the Fort Independence Community of Paiute Indians; 200 acres located as follows:

Township 13 South, Range 34 East, Mount Diablo Base and Meridian

Section 1:

W½ of Lot 5 in the NE¼, Lot 3, E½ of Lot 4, and E½ of Lot 5 in the NW¼.

(5) BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS.—Lands with respect to the Barona Group of Capitan Grande Band of Mission Indians; 5.03 acres located as follows:

Township 14 South, Range 2 East, San Bernardino Base and Meridian

Section 7, Lot 15.

(6) MORONGO BAND OF MISSION INDIANS.—Lands with respect to the Morongo Band of Mission Indians; approximately 40 acres located as follows: Township 3 South, Range 2 East, San Bernardino Base and Meridian

Section 20:

NW¼ of NE¼.

(7) PALA BAND OF MISSION INDIANS.—Lands with respect to the Pala Band of Mission Indians; 59.20 acres located as follows:

Township 9 South, Range 2 West, San Bernardino Base and Meridian

Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

SEC. 3. EXISTING RIGHTS PRESERVED; MISCELLANEOUS PROVISIONS.

(a) EXISTING RIGHTS PRESERVED.—The declaration contained in section 2 shall be subject to valid existing rights in effect on the day before the enactment of this Act.

(b) NOTICE OF CANCELLATION OF GRAZING PRIVILEGES.—Grazing privileges on the lands described in section 2 shall terminate two years after the date of enactment of this Act.

(c) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 2 shall be available for use or obligation, in such manner and for such purposes as the Assistant Secretary, Indian Affairs, may approve, by the tribe, band, or group of Indians for whose benefit such land is held after the date of enactment of this Act.

(d) LAWS GOVERNING LANDS TO BE HELD IN TRUST.—Any lands which are to be held in trust for the benefit of any tribe, band, or group of Indians pursuant to this Act shall be added to the existing reservation of the tribe, band, or group, and the official boundaries of the reservation shall be modified accordingly. These lands shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as other lands held in trust for such tribe, band, or group on the day before the date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, H.R. 3642, the California Indian Land Transfer Act which I introduced at the request of the administration in June, would transfer into trust, 1,144.23 acres of excess Federal land to the following Indian tribes: 560 acres to the Pit River Tribe; 40 acres to the Bridgeport Paiute Indian Colony; 240 acres to the Utu Utu Gwaitu Paiute Tribe; 200 acres to the Fort Independence Community of Paiute Indians; 5.03 acres to the Barona Group of Capitan Grande Band of Mission Indians; 40 acres to the Morongo Band of Mission Indians; and 59.2 acres to the Pala Band of Mission Indians.

This bill also provides that valid existing rights shall be preserved on the lands to be taken into trust.

H.R. 3642 was originally proposed by the administration and is supported by the tribes.

Mr. Speaker, I recommend the approval of H.R. 3642.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a cosponsor of H.R. 3642 along with the chairman of the Subcommittee on Native American and Insular Affairs, Mr. GALLEGLY, and the senior Democrat of the Resources Committee, Mr. MILLER.

Enactment of this bill would transfer small parcels of land from the Bureau of Land Management to various Indian Tribes in the State of California. In each instance the land has been declared as appropriate for disposal by the BLM and the affected tribal governments have formally requested the land be transferred to them. As part of the process of drafting this legislation, the Department of the Interior contacted local communities and received support for, or a lack of interest, in each land transfers. These parcels may not be large in size but I hope they will prove of benefit to the tribes.

I believe this legislation is good policy. This is a case where the Federal Government examined its registry of lands and supports the release of lands it no longer deems necessary to remain under Federal control. The land may be excess to the needs of the Federal Government but I'm confident that the Indian tribes which will take over management of the lands will put them to good use.

I ask my colleagues to join me in supporting passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 3642.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3640) 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.

The Clerk read as follows:

H.R. 3640

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torres-Martinez Desert Cahuilla Indians Claims Settlement Act".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive Order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909 an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled "United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. The Imperial Irrigation District and Coachella Valley Water District", Case No. 82-1790 K (M) (hereafter in this section referred to as the "U.S. Suit") on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay \$212,908.41 in past and future damages and the Imperial Irrigation District to pay \$2,795,694.33 in past and future damages in lieu of the United States' request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Numbers 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92-55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al., Case No. 91-1670 J (LSP) (hereafter in this section referred to as the "Indian Suit") in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the District Court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this Act is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Tribe" means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) The term "allottees" means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) The term "Salton Sea" means the inland body of water located in Riverside and Imperial counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) The term "Settlement Agreement" means the Agreement of Compromise and Settlement Concerning Claims to Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "permanent flowage easement" means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills and any other water which overflows and floods such lands, originating from lands within such water districts.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. SETTLEMENT FUNDS.

(a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.—

(1) IN GENERAL.—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the "Torres-Martinez Settlement Trust Funds Account", the "Torres-Martinez Allottees Settlement Account I", and the "Torres-Martinez Allottees Settlement Account II", respectively.

(2) AVAILABILITY.—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.—

(1) IN GENERAL.—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of \$337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of \$3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) CASH PAYMENTS BY THE UNITED STATES.—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of \$10,200,000, of which sum—

(A) \$4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) \$6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) ADDITIONAL PAYMENTS.—In the event that any of the sums described in paragraphs (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) SEVERALLY LIABLE FOR PAYMENTS.—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) ADMINISTRATION OF SETTLEMENT TRUST FUNDS.—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 6. TRUST LAND ACQUISITION AND STATUS.

(a) ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.—

(1) IN GENERAL.—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this Act. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this Act shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this Act.

(2) PRIMARY ACQUISITION AREA.—(A) The primary area within which lands may be acquired pursuant to paragraph (1) are those certain lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust by reason of paragraph (3).

(B) Lands may not be acquired under this paragraph if by majority vote of the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) objects to the Tribe's request to convey such lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(3) SECONDARY ACQUISITION AREA.—

(A) Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city whose incorporated boundaries the subject lands are situated within, or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(b) **RESTRICTIONS ON GAMING.**—The Tribe shall have the right to conduct gaming on only one site within the lands acquired pursuant to subsection (a)(1) as more particularly provided in the Settlement Agreement.

(c) **WATER RIGHTS.**—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 7. PERMANENT FLOWAGE EASEMENTS.

(a) **CONVEYANCE OF EASEMENT TO COACHELLA VALLEY WATER DISTRICT.**—

(1) **TRIBAL INTEREST.**—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) **UNITED STATES INTEREST.**—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) **CONVEYANCE OF EASEMENT TO IMPERIAL IRRIGATION DISTRICT.**—

(1) **TRIBAL INTEREST.**—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) **UNITED STATES.**—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

SEC. 8. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) **SATISFACTION OF CLAIMS.**—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this Act shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described

in section 2 of this Act and further defined in the Settlement Agreement.

(b) **APPROVAL OF WAIVERS AND RELEASES.**—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this Act.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) **ELIGIBILITY FOR BENEFITS.**—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) **ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.**—No payment pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) **PRESERVATION OF EXISTING RIGHTS.**—Except as provided in this Act or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) **AMENDMENT OF SETTLEMENT AGREEMENT.**—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided by subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) **EXCEPTION.**—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary of the Interior determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this Act and executes the releases and waivers required by the Settlement Agreement and this Act.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this Act.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, H.R. 3640, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act introduced by our colleague, Mr. BONO of California, would facilitate and implement a settlement to resolve long-standing land claims made by the Torres-Martinez Indian Tribe relating to the inundation of their tribal lands by drainage water from various irrigation systems flowing to the Salton Sea. It is due to Mr. BONO's efforts that this has been brought to our attention.

This bill would establish three settlement trust funds in the U.S. Treasury which will be available to the Secretary of the Interior for distribution to the tribe.

In addition, H.R. 3640 provides that the Secretary of the Interior shall take

land into trust when acquired by the tribe from within two acquisition areas defined in the settlement agreement.

It also provides that the United States and the tribe shall convey permanent flowage easements as to all Indian trust lands and all Federal lands, located below the minus 220-foot contour of the Salton Sink, to the Coachella Valley Water District and the Imperial Irrigation District.

Lands acquired by the tribe shall be subject to all valid and existing water rights.

The administration, the tribe, and the two irrigation districts have been working on this settlement for several years. Agreement has finally been reached and H.R. 3640 is the result. In fact, today Chairman YOUNG of the Committee on Resources received a letter from the Assistant Secretary for Indians Affairs at the Department of the Interior in support of Congressman BONO's bill. I will include this letter as part of my statement.

Finally, Mr. Speaker, let me point out that there is a land acquisition issue, relating to H.R. 3640, to be resolved between the Cabazon Band of Mission Indians and the Torres-Martinez Tribe. I understand that complicated differences have arisen between the two tribes regarding the implementation of H.R. 3640. These differences can be negotiated and resolved between the two tribes in a manner which is equitable and acceptable to both tribes. It is my understanding that steps are being taken to work this out as H.R. 3640 moves forward in the legislative process. We all look forward to a resolution to this matter by these two tribes.

I support H.R. 3640, Mr. Speaker. It is a good, fair settlement of a valid land claim and I recommend that it be passed by this body.

The letter previously referred to is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. DON YOUNG,
Chairman, House Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee unanimously approved H.R. 3640, the Torres-Martinez Settlement Agreement Act, at the August 1, 1996, make-up of the bill. If enacted, H.R. 3640 will ratify the June 18, 1996, settlement agreement resolving claims and issues related to lands held in trust by the United States for the benefit of the Torres-Martinez Indians ("Agreement").

The Administration supports H.R. 3640, which it believes is an equitable and overdue resolution to this long-standing dispute between the Tribe and two water districts in Southern California. Moreover, as a signatory to the Agreement, the Federal Government is bound by the terms of the Agreement and has a legal obligation under its terms to support the enactment of this implementing legislation which is "substantively the same in text and form" as H.R. 3640.

The Department is aware that the Cabazon Band of Mission Indians has raised concerns regarding the potential impact enactment of H.R. 3640 may have on its interests. The Department prefers that these differences be resolved without modification to H.R. 3640 and

it has encouraged the Cabazon and Torres-Martinez Tribes to meet to try to resolve their differences as soon as possible. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Again, thank you and the members of your subcommittee for your support and favorable treatment of this important legislation.

Sincerely,

ADA E. DEER,
Assistant Secretary for
Indian Affairs.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, this bill would settle claims made by the Torres-Martinez Desert Cahuilla Indian Tribe against two irrigation districts in Southern California.

Mr. Speaker, before proceeding on, I just want to clarify for the record that the name of this tribe, the Torres-Martinez, is not in any way a reflection of the gentleman from California, ESTEBAN TORRES or the gentleman from California, MATTHEW MARTINEZ. I just want to clarify that for the record, Mr. Speaker.

Mr. Speaker, some 11,000 acres of reservation land has been unusable by the tribe due to flooding by the Salton Sea. The tribe had originally accepted the land with the understanding that the Salton Sea would recede allowing the tribe access to the lands. When this did not occur, the tribe filed a trespass suit against the two local irrigation districts. The courts found for the tribe and to head off additional litigation, the Department of the Interior brought all the parties together to work out a settlement. H.R. 3640 would enact the administration's settlement.

Mr. Speaker, passage of H.R. 3640 will allow the Torres-Martinez Tribe to procure land to utilize for the tribe's benefit and put an end to an 80-year dispute. It will lift barriers which have impeded needed improvements to California Highway 86. Further, it will ensure proper drainage for the local water districts.

Mr. Speaker, support for the administration's settlement enacted by this legislation is broad. The Resources Committee has received letters of support for its passage from at least 16 nearby Indian tribes including the Barona, Cahuilla, Campo, LaJolla, Morongo, San Manuel, and Soboba Tribes. Nearly every non-Indian community in the vicinity has written in support as well. Governor Wilson and California Attorney General Lundgren also support its passage.

Let me make it perfectly clear that I believe that the Torres-Martinez Tribe is the aggrieved party in this instance and it is they who are being compensated. I think this settlement is fair and should proceed. The Torres-Mar-

tinez Tribe has waited 80 long years for the Federal Government to make good on promises it made.

Having made this point I also want to mention that the Cabazon Tribe which runs a successful gaming operation in the vicinity has raised concerns over the settlement. The Department of the Interior failed to include the Cabazon Tribe in its discussions on the settlement. It should have. Failure to do so has caused for difficulties between the Cabazon and the Torres-Martinez Tribes which should not exist. The Cabazon Tribe is looking out for the welfare of its members and we should expect no less from them.

Mr. Speaker, the Torres-Martinez Tribe has given assurances to the committee that they will continue to meet with the Cabazon Tribe to try to work out their differences, pursuant to passage of this legislation. I think that is as it should be. I would like to see the tribes come to an equitable agreement but I believe this legislation should proceed.

Mr. Speaker, I wish to clarify that this settlement for Torres-Martinez is not done for our colleagues ESTEBAN TORRES and MATTHEW MARTINEZ as some have suggested.

I urge my colleagues to support passage of this bill.

Mr. Speaker, I include the following for the RECORD:

THE TORRES MARTINEZ DESERT
CAHUILLA INDIANS
Thermal, CA, August 30, 1996.

Re Torres Martinez Settlement Act, H.R. 3640 (S. 1893).

Mr. JOHN A. JAMES,
Tribal Chairman, Cabazon Band of Mission Indians, Indio, CA.

DEAR MR. JAMES: In recent meetings with the Administration and Congress, we have been informed that representatives of Cabazon are spreading the word around Washington that Torres Martinez is unwilling to meet with Cabazon concerning the Torres Martinez Settlement Act, H.R. 3640 (S. 1893). Of course that is not true, as you are well aware.

My Tribal Council met with your Tribal Council in your tribal offices for several hours on July 29, and listened respectfully to your objections to the Torres Martinez Settlement legislation. You explained to us your view that the populated part of the valley is "Cabazon's market" and that our Tribe has no right to compete in "Cabazon's market". We explained to you our view that the entire Valley is "everyone's market", and that everyone has the right to compete in that market. You stated that you would attempt to defeat our Settlement legislation, unless we agreed to an amendment which would exclude any land acquisitions in the populated part of the Valley (north of Airport Blvd). We stated that we could not agree to such an amendment, because it would effectively destroy the most important economic-development benefits contained in our Settlement. The July 29 meeting ended on that note of respectful disagreement between sovereign tribal governments.

On August 9, I replied to your letter of August 6 requesting another meeting "to discuss our differences regarding H.R. 3640 and to make a sincere and diligent attempt to reach a compromise on this issue". After reviewing what had occurred at the July 29 meeting my August 9 letter made the follow-

ing reply to your request for further meetings, discussions, and negotiations: "Unless you have a proposal different from the one which you presented to our Tribal Council on July 29th, we see no reason to revisit the same issues in another meeting. If you do have a different proposal, please put it in writing and send it to us for our Tribal Council's consideration. Any new issues can be discussed with you in another Council-to-Council meeting."

As I thought was made perfectly clear in my August 9 letter, we stand ready to meet with you at any time to discuss your concerns with H.R. 3640 (S. 1893). We still see no reason to revisit the same issues which were discussed with you for several hours on July 29; but if you have some reason to believe that further discussion for new issues might be fruitful, please contact me and we will arrange another Council-to-Council meeting at the earliest mutually convenient time. If you have a new proposal. If you have a new proposal (different from the one you presented at the July 29 meeting), please put it in writing and send it to me for presentation to my Tribal Council, so that we can begin thinking about it prior to the next meeting be held in our tribal offices.

In conclusion, I reiterate that my Tribal Council is ready and willing to meet with your Tribal Council at any mutually convenient time, to discuss H.R. 3640 (S. 1893) or any other matter of concern to you. If you wish to meet with us, all you have to do is ask.

Sincerely,

MARY E. BELARDO,
Tribal Chairperson.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, September 4, 1996.

Subject: Torres Martinez Settlement Act and H.R. 3640 (S. 1893).

Reference: Your letter of August 30, 1996.

Chairperson MARY E. BELARDO,
Torres Martinez Desert Cahuilla Indians, Thermal, CA.

DEAR MRS. BELARDO: Contrary to your statements that the Cabazon Band are spreading word that your tribe is unwilling to meet with us concerning H.R. 3640 (S. 1893), it was clear from your letter that you rejected our proposals and that you felt H.R. 3640 "your bill" and therefore it is not necessary for you to accommodate other tribes by amending it.

You apparently don't understand that it is all tribes who compete for the same market for their gaming facilities and that they must do so from where their traditional tribal lands are located. It is not "our" market, but a market that seven gaming facilities must share.

We oppose your unprecedented request to jump over seven cities and three other reservations in order to circumvent our position in the middle of our ancestral lands. This is not only unacceptable land planning, it sets a precedent that all tribes who are in poor locations will try to follow.

The House Resources Committee took an official position on August 2, 1996 directing the Torres Martinez and Cabazon Band of Mission Indians to resolve their differences regarding the terms of the proposed legislation. To that end, the Cabazon Band of Mission Indians took the initiative and met with you proposing three possible alternatives:

1. Re-align the gaming site acquisition to 7½ miles west of your current reservation boundaries. This would allow you to encroach into our traditional area and be within proximity to where our casino is located and have access to the market that all the tribes share.

2. Agree that any Torres Martinez casino be built near Fantasy Springs and the neighboring Spotlight 29 Casino immediately adjacent to our boundaries thus incorporating it in an "entertainment zone" which has already been approved by local municipal jurisdictions. This would allow three tribes to create a synergy to bring customers into the region in partnership with other non-Indian local governments.

3. Support the insertion of language into the proposed legislation which would enable the Cabazon tribe to purchase land up to 15 miles west of its current reservation boundaries in the event you attempt to purchase property west of our reservation. This could easily be inserted without affecting the current agreement executed with the water agencies. (This is our least favorite alternative.)

Negotiations and/or mitigation of differences is a two-way process. It was our interpretation, based on your letter of August 9, 1996, that you rejected our proposals and had no alternative offers. You further stated that future meetings would only be scheduled if the Cabazons came up with other alternatives.

Our concerns remain with the provision of your settlement agreement as it exists:

1. Violation of territorial jurisdictions by purchasing lands within our traditional tribal occupancy area in direct violation of Department of the Interior policy and regulations;

2. That the process was flawed by not following prescribed Department of the Interior procedures, specifically: Section 151.10(b) which requires that "the tribe sufficiently justify the need for additional land for gaming purposes; section 151.10(c) which requires "conclusion on factual findings that the tribe has explored all reasonable and viable alternatives (other than gaming) for economic development; section 151.10(e) that the "impacts be considered on local city and county governments (cities within 30 miles and tribes within 100 miles be notified and brought into discussions).

3. That the proposed legislation is contrary to the requirements of the Indian Gaming Regulatory Act of 1988 by setting a precedent for developing gaming lands off of established territorial properties, and part 1, section 20(a), 25 USC 2719(a) which requires that consultation be done with appropriate state and local officials, including officials of other nearby Indian tribes, and * * * that it will not be detrimental to surrounding communities.

4. Erodes the "good neighbor" policy the tribes have been attempting to establish between themselves and with local cities by circumventing input from the cities and allowing one tribe to invade the territory of another in order to have a casino in violation of existing regulations. This creates "bad blood".

The Cabazon Band of Mission Indians continues to stand ready to discuss viable alternatives and amendments to the proposed legislation so that all parties concerned will experience a "win-win" situation and equal treatment for all tribes. We urge you to halt the legislative process while you bring forward proposals acceptable to all which would mitigate the aberration of our tribal rights. In the absence of your immediate request to Congressman Bono that the process be halted, we feel it will be necessary to maintain strong opposition to the bill.

Sincerely,

JOHN JAMES,
Tribal Chairman.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, June 28, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: I am writing this letter in response to your inquiry of June 27, 1996. You stated that it was unclear why my tribal council is opposed to meeting in its entirety with the Torres-Martinez tribal council on the issue of the Torres-Martinez land settlement and our grave concern over their taking lands for gaming purposes in our area of jurisdiction, and the impact that it would have.

Let me start from the onset and make it clear that we very much want to meet with the Torres-Martinez tribe, but for them to call at the last minute with an ultimatum that our tribal council assemble and "face off" with theirs, on an issue which is very emotional on both sides, took us by surprise. I will be pleased to notice a meeting which is required in order for us to accommodate their wishes to meet with an equal number of representatives. It will, however, be necessary for us to have an exploratory meeting in order to define each other's issues and positions so that when our councils meet we can achieve the maximum amount of productivity.

Chairman Belardo of Torres-Martinez has indicated that her council will not allow her to meet with us except in its entirety. I am very concerned that this is demonstrative of a potential lack of confidence on the part of her council. It is critical that the Torres-Martinez be able to distill their positions and issues in order for any negotiation to bear fruit. We stand ready and prepared to meet to define the issues and subsequently have a like number of council members meet face to face and find a suitable compromise that will address their concerns, our concerns, and which will meet the federal government's trust responsibility to both of us.

I hope that this will serve to demonstrate our willingness and clear up any questions you may have about our intentions.

Thank you for committing to addressing our concerns. I would like to formally ask you to hold field hearings on this bill before it proceeds any further.

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, July 10, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: It is my understanding that you are unavailable to meet with me this weekend while you are here in the desert.

On July 9th my office contacted your scheduler, Inda Valter, who said she would see if a meeting were possible. Ms. Valter later informed by office that Brian Nestande recommended we talk to Catherine Bailey prior to setting an appointment with you. Ms. Valter also said your office was hoping to hear that the Cabazon Band of Mission Indians would be meeting with the Torres-Martinez tribe. Our response was that we are in the process of setting up that same meeting. It has since been scheduled for July 24th.

This morning, July 10th, Catherine Bailey informed our tribal secretary that Ms. Valter found your weekend in the desert to be fully booked. She did, however, say that you wanted to know if there were something that needed to be addressed in the near future.

Rather than communicating through staff, I believe we could accomplish far more in a

brief one on one meeting. I know you have an extremely heavy schedule, and would not impose on you if this were not of the utmost importance to our tribe.

In addition, I wrote to you on June 28th, formally requesting field hearings on the H.R. 3640 issue. Would you let me know if you have considered this and deem it possible?

Respectfully,

MARK NICHOLS,
Chief Executive Officer.

CONGRESS OF THE UNITED STATES,
July 11, 1996.

MARK NICHOLS,
Cabazon Band of Mission Indians,
Indio, CA.

DEAR MR. NICHOLS: Thank you for your letter of July 10, 1996.

At our meeting in June, we agreed on a plan that the Cabazon meet directly with the Torres-Martinez to resolve its particular issues, and then report to me after doing so. I believe that the Cabazon should continue to go forward with this plan. As we have discussed, the settlement agreement and ratifying legislation provide both tribes with the flexibility to do this. Please be assured that when a meeting does occur between the two tribes, I will be glad to consider whatever conclusions are reached. If you have additional information you would like to share with me in the interim, please feel free to contact my staff, as I am confident they will continue to keep me fully informed.

At this time I do not believe a field hearing is needed. In my view, a field hearing would be redundant to the briefings we have already done, the press coverage and the congressional hearing.

Thank you for keeping me informed of the Cabazon's views.

Sincerely,

SONNY BONO,
Member of Congress.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, July 10, 1996.

Ms. MARY BELARDO,
Tribal Chairperson, Torres-Martinez Desert
Cahuilla Indians, Thermal, CA.

DEAR CHAIRPERSON BELARDO: We are pleased to see that the meeting of July 26th is still on. We will have name cards made for your council and look forward to an opportunity to productively explore a situation that we hope will meet both of our respective tribal concerns. As we are prepared to try to meet you half way, my council is concerned about your recent statements in The Desert Sun that there will be no adjustment or compromise.

Your conditions for a full council to council meeting and your meeting cancellations have been accepted. However, the new demands outlined in your July 16th letter create a problem for us. We place a lot of confidence in the analysis and guidance provided to us by our tribal attorney and chief executive officer. The members of the Cabazon tribal council may wish to hear their opinions on issues as the meeting progresses, therefore we cannot agree to gag them. I am hopeful that you will understand and accept our position on this issue. Our tribal secretary will be at the meeting in a strictly secretarial capacity not as a participant.

We agree to your stipulation that there be no press or media in attendance.

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

THE TORRES MARTINEZ DESERT
CAHUILLA INDIANS,
Thermal, CA, July 22, 1996.

JOHN A. JAMES,
Chairman, Indio, CA.

DEAR CHAIRMAN JAMES: Thank you for your letter dated July 17, 1996. It is clear to us through this letter that you have misinterpreted the content of our most recent letter to you.

If you will recall we originally made the first contact with your tribe to request a meeting. Our reason for this meeting was to address the rumored concerns of the Cabazon people through their elected Tribal Council regarding our Settlement Agreement. It has been through several mutual changes that we have finally settled to meet with your Council on July 26, 1996 at your Tribal Administrative offices.

As Indian tribes we are often times required to hire staff (non-Indian) that can help our tribes prosper. However, the bottom line is we are still Indian people, with Indian thinking, customs and traditions. It is in this spirit that we come to hear from the Indian people of Cabazon.

To be truthful we have read the remarks of your (non-Indian) CEO in the papers and have seen and heard enough of his comments on television and radio. Frankly, we are not concerned with how he feels about an Indian tribe that is about to receive the most meaningful award granted to them in approximately the last 120 years, however we are willing to receive any papers or analysis that he would like to submit to us.

It is our belief that Indian people have only survived over these tumultuous years by sharing what little we have with one another, this is the Indian way.

If you feel that the people of Cabazon cannot speak their own true feelings then you may want to cancel our meeting, but we will not listen to any non Indians at this meeting. You describe this thinking as putting a "gag" on your staff, we see it as expressing our sovereign right and dealing with a fellow tribe in a government to government manner. We do not take our sovereign rights lightly and will need to insist on your understanding of this.

We look forward to meeting with your elected Tribal Council on July 26, 1996.

Sincerely,

MARY E. BELARDO,
Tribal Chairperson.

CABAZON BAND OF MISSION INDIANS,
Indio, CA, August 2, 1996.

Ms. MARY BELARDO,
*Tribal Chairperson, The Torres Martinez Desert
Cahuilla Indians, Thermal, CA.*

DEAR MARY: As you have been notified in the hearing language, it is the official House Resources Committee position that a resolution be worked out concerning our differences regarding H.R. 3640. In the absence of a resolution, we will be forced to pursue this to the next level. If you want the bill to pass this session it is imperative that we work this out. We would like to immediately begin negotiations so that we can find a solution that is mutually acceptable to both of our tribes.

The tribal council to council meeting was a beginning, however, our tribal council has determined that true progress can only be made through hard negotiations between assigned negotiating teams. We are prepared to put together such a team on short notice once you have committed to a meeting time. Would Monday, August 5th, at 2:00 p.m. be suitable?

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

AGUA CALIENTE BAND OF
CAHUILLA INDIANS,
Palm Springs, CA, June 26, 1996.

Hon. SONNY BONO,
*House of Representatives,
Washington, DC.*

DEAR CONGRESSMAN BONO. On behalf of the Agua Caliente Band of Indians, I would like to thank you for your efforts to keep our Tribal Council informed on the status of HR 3640, the Torres Martinez Desert Cahuilla Indians Claims Settlement Act. Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Please feel free to contact me if I can be of any assistance to you in the future.

Respectfully yours,

RICHARD M. MILANOVICH,
*Chairman, Tribal Council, Agua Caliente
Band of Cahuilla Indians.*

AUGUSTINE BAND OF MISSION INDIANS,
Coachella, CA, June 28, 1996.

Hon. SONNY BONO,
*House of Representatives,
Washington, DC.*

DEAR CONGRESSMAN BONO: This letter is written to inform you that the Augustine Band of Mission Indians supports HR 3640, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act. The Augustine Tribe has always extended full support to the Torres-Martinez Tribe in their on-going efforts to arrive at an equitable resolution of a long standing claim for lost lands.

You are to be commended for the time and effort you have dedicated to the Torres-Martinez Desert Cahuilla Indians to acquire a settlement of their claims.

Sincerely,

MARYANN MARTIN,
Chairperson.

BARONA INDIAN RESERVATION,
Lakeside, CA, August 30, 1996.

Hon. SONNY BONO,
*House of Representatives,
Washington, DC.*

DEAR CONGRESSMAN BONO: On behalf of the Barona Band of Mission Indians, I am writing to you in support of HR 3640—the Torres Martinez Desert Cahuilla Indian Claims Settlement Act.

Your hard work and efforts on not only this legislation, but on other Indian issues are not going unnoticed. As our brothers and sisters of the Pechanga Band mentioned, "... with your help and the support of your colleagues, Native Americans are recapturing their dignity and price".

Mr. Bono, I urge you to support HR 3640. Thank you!

Sincerely,

CLIFFORD M. LACHAPPA,
Chairman.

CAHUILLA BAND OF INDIANS,
Anza, CA, June 25, 1996.

Hon. SONNY BONO,
*Congress of the United States, Cannon House
Office Building, Washington, DC.*

HONORABLE CONGRESSMAN BONO: We the Cahuilla Band of Indians does support the "Torres Martinez Desert Cahuilla Indians Claims Settlement Act of 1996". We understand that the term of this act supports a settlement between the Torres Martinez Desert Cahuilla Indians, local water districts and the federal government.

The terms of the settlement agreement calling for compensation to the Torres Martinez tribe in the amount of \$14 million. In addition, the tribe will be able to acquire 11,800 acres of land within boundaries specified in the bill.

Acquisition by the tribe will have no impact on existing water rights of the local communities and tribes. The Torres Martinez tribe will be allowed one limited gaming site on the newly acquired lands. Local cities, county and tribal governments will have the ability to veto acquisition of new lands within their jurisdiction.

We the Cahuilla Band of Indians supports Member of Congress Sonny Bono on the bill H.R. 3640.

Sincerely,

MICHELLE SALGADO,
Tribal Chairperson.

CAMPO BAND OF MISSION INDIANS,
August 19, 1996.

Hon. SONNY BONO,
*House of Representatives, Cannon House Office
Building, Washington, DC.*

DEAR CONGRESSMAN BONO: On behalf of the Campo Band of Mission Indians, I would like to express our support in favor of H.R. 3640 the Torres Martinez Desert Cahuilla Indian Claim Settlement Act. We appreciate your constant concern regarding Native American issues. The dedication you have shown in regards to this legislation exemplify your sensitivity and understanding of our needs.

The Campo Band of Mission Indians look forward to collaborating with you on future endeavors.

Sincerely,

RALPH GOFF,
Chairman.

JAMUL BAND OF MISSION INDIANS,
Jamul, CA, July 18, 1996.

Hon. SONNY BONO,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BONO: We the Jamul Band of Mission Indians support the "Torres Martinez Desert Cahuilla Indian Claims Settlement Act of 1996."

Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Your continued support of bill H.R. 3640 is greatly appreciated by Indian Tribes in your Congressional District as well as other Congressional District in the Southern California area.

Sincerely,

RAYMOND HUNTER,
Chairman.

LA JOLLA INDIAN RESERVATION,
Valley Center, CA, August 15, 1996.

Hon. SONNY BONO,
*House of Representatives, Cannon House Office
Building, Washington, DC.*

DEAR CONGRESSMAN BONO: On behalf of the La Jolla Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The La Jolla Band of Mission Indians strongly support H.R. 3640.

Sincerely,

VIOLA A. PECK,
Acting Chairperson.

LOS COYOTES RESERVATION,
Warner Springs, CA, August 19, 1996.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Los Coyotes Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The Los Coyotes Band of Mission Indians strongly support H.R. 3640.

Sincerely,

FRANK TAYLOR,
Spokesman.

MANZANITA BAND OF MISSION INDIANS,
Boulevard, CA, July 18, 1996.

Hon. SONNY BONO,
House of Representatives, Washington DC.

DEAR CONGRESSMAN BONO: We the Manzanita Band of Mission Indians support the "Torres-Martinez Desert Cahuilla Indian Claims Settlement Act of 1995".

Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Your continued support of Bill H.R. 3640 is greatly appreciated by Indian Tribes in your Congressional District as well as other Congressional Districts in the Southern California area.

Cordially,

FRANCES SHAW,
Chairman.

MORONGO BAND OF
MISSION INDIANS,
Banning, CA, June 26, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Morongo Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, Na-

tive Americans are recapturing their dignity and pride.

The Morongo Band of Mission Indians strongly support H.R. 3640.

Sincerely,

MARY ANN ANDREAS,
Tribal Chairperson.
Morongo Band of Mission Indians.

PALA BAND OF
MISSION INDIANS,
Pala, CA, July 17, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR MR. CONGRESSMAN: I want you to know how pleased the Pala Band of Mission Indians are with the introduction of H.R. 3640, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act.

The Pala Band of Mission Indians understands that this Act, H.R. 3640 supports a settlement between the Torres-Martinez Desert Cahuilla Indians, local water districts and the federal government.

The monetary compensation to the Tribe and the restoration of land lost to the Native people goes a long way to right a wrong and shows the proper government-to-government relationship envisioned by the founders of this great Nation.

The Tribal Council of the Pala Band of Mission Indians support this legislation and feels that with people such as you in government this Nation is on the right track to becoming the world leader it once was.

Please feel free to contact the Pala Band of Mission Indians if we can be of any assistance to you in the future.

We like what we see Mr. Congressman. You can make the difference!

ROBERT H. SMITH,
Chairman/CEO,
Pala Band of Mission Indians.

PECHANGA INDIAN RESERVATION,
Temecula, CA, July 30, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Pechanga Band of Luiseno Indians, I am writing to you in support of HR 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act: Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The Pechanga Band of Mission Indians strongly support HR 3640.

Sincerely,

MARK A. MACARRO,
Tribal Spokesman,
Pechanga Band of Mission Indians.

SAN MANUEL BAND OF
MISSION INDIANS,
Highland, CA, August 9, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the San Manuel Band of Mission Indians, I would like to express our support in favor of HR

3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act. We appreciate your constant concern regarding Native American issues. The dedication you have shown in regard to this legislation exemplify your sensitivity and understanding of our needs.

The San Manuel Band of Mission Indians look forward to collaborating with you on future endeavors.

Sincerely,

HENRY DURO, *Chairman.*

SAN PASQUAL BAND OF INDIANS,
Valley Center, CA, July 22, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

HON. CONGRESSMAN BONO: The San Pasqual Band of Mission Indians supports "Torres Martinez Desert Cahuilla Indian Claims Settlement Act of 1996". We understand that the term of this act supports a settlement between the Torres Martinez Desert Cahuilla Indians, local water districts and the federal government.

The economic gain for Torres-Martinez is much needed. They have waited long and endured much.

The San Pasqual Band of Mission Indians heartily support you Congressman Bono on H.R. 3640.

Respectfully,

DOROTHY M. TAVUI.

SOBOBA BAND OF
MISSION INDIANS,
San Jacinto, CA, June 22, 1996.

Hon. SONNY BONO,
Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: The Soboba Band of Mission Indians supports your proposed bill concerning a land settlement with the Torres-Martinez Band of Mission Indians.

We believe a settlement will provide long overdue compensation to the Torres-Martinez Band for their land which was rendered useless since the early 1900's. We are pleased the federal government and the Band have reached an agreement. The settlement will not only benefit the Torres-Martinez Band but also the surrounding communities.

The Soboba Band appreciates your efforts in reaching a settlement and your support of Native Americans.

Sincerely,

CARL LOPEZ, *Chairman.*

TWENTY-NINE PALMS
BAND OF MISSION INDIANS,
Coachella, CA, June 26, 1996.

Hon. SONNY BONO,
Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: The Twenty-Nine Palms Band of Mission Indians, owners of the Spotlight 29 Casino located near Coachella, California, offers its support to your proposed bill concerning a land settlement with our nearby Native American neighbors, the Torres Martinez Desert Cahuilla Indians.

We believe that such a settlement will provide long overdue compensation to the Torres Martinez for their land which was flooded and rendered virtually useless since the early 1900's, and are pleased that the federal government has reached a solution which is acceptable to them.

The resolution will not only benefit the Torres Martinez but will also offer potential benefits to the surrounding communities by providing the Torres Martinez the opportunity to join with local efforts to enhance the economy and well being of citizen's in the area.

We appreciate your efforts to keep us informed of the settlement because of its effect

on the overall community, and look forward to other cooperative efforts with your office in the future.

Sincerely,

DEAN MIKE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from California [Mr. BONO].

(Mr. BONO asked and was given permission to revise and extend his remarks.)

Mr. BONO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am trying to be as explicit as I can on a very complicated issue. First of all, I do want to recognize the Cabazon Indians' legitimate complaint that they were not notified by the Department of the Interior, and, therefore, had to play catch-up in this situation and have a legitimate complaint.

□ 1615

So I just want to say, hopefully, as this legislation progresses, that we will do everything we can to encourage the tribes to work out a settlement on their dispute, but recognize that it is an Indian dispute and that they should settle that between themselves. We do not really have a good guy or a bad guy here. It is just that this situation came, and we do understand it, and they have my support as well. So we hope it will settle as this legislation goes on.

This has been going on for 80 years, and what happened, basically, is the Torres-Martinez land was flooded and they have not had a home. Eventually they had to sue, and that litigation has been going on for 15 years. We have finally brought this to closure, which is very important because it not only deals with the tribes but it deals with the local communities, as well.

We have a highway, Highway 86, that cannot be repaired because of this litigation and we lose 10 people, annually 10 people die, and we would love to repair this highway. This would finally permit us to fix this highway and get rid of those needless deaths on an annual basis.

Furthermore, we have a big agriculture community within the district, and there is a drainage issue. This would allow that drainage problem to go away so that the agricultural industry could drain and would not have to worry about encumbrances.

This action has been supported by the National Congress of American Indians and by just about everybody and, furthermore, it grants the tribe sovereignty, which I think we have to do. So we are not trying and I am not trying to act like the person that can dictate these issues. We just want to recognize that sovereignty exists and we have to recognize sovereignty. That is all we are doing.

Again, I want to say that anything I can do to help work on the agreement between the two tribes, I do want to say that I am available anytime.

The Torres-Martinez live in poverty and have lived in poverty. This will finally get them above poverty and give them a chance to survive. So basically that is a capsulation of the whole issue, but it is a very good bill and it could cure a lot of ills, and I urge my colleagues' support.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I rise today to express both my support and my deep concern over the passage of this legislation.

I want to be perfectly clear that I strongly and unequivocally support full compensation to the Torres-Martinez Tribe for the injustices they have suffered in the last century. Today almost 123,000 acres of Torres-Martinez tribal reservation land lies submerged beneath the Salton Sea. This land was flooded early in this century. The tribe has never been fully compensated by the U.S. Government for that.

Our Government, Mr. Speaker, has a moral and legal obligation to settle this long overdue claim of the Torres-Martinez Tribe. It is my understanding that this is a tribe with very few resources, and this settlement agreement will better enable them to establish and maintain a sovereign-to-sovereign relationship with the U.S. Government.

But, Mr. Speaker, I must admit I am deeply troubled by the process which the Department of the Interior used to facilitate the settlement with the Torres-Martinez Tribe. It is my understanding that the Department of the Interior failed to meet with or even discuss the proposed settlement agreement with all the tribes who live in the area and who will be most affected by this legislation.

These consultations are especially important when we are dealing with issues that affect the economic viability of the different tribes. Unfortunately, in its eagerness to reach a settlement, the Department of the Interior failed to take these interests into account.

Mr. Speaker, when the Committee on Resources first considered this bill, I strongly encouraged the Department of the Interior to meet with the local tribes to try to resolve the differences that still exist on this bill. I am troubled that these meetings have never taken place.

Mr. Speaker, it is also unfortunate that this bill is being considered under the suspension calendar, so that there will be no chance to offer amendments to fine-tune this legislation. I hope the Senate will take the time to closely examine this bill and make sure it is equitable and fair for all groups impacted by this settlement agreement.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. TORRES].

(Mr. TORRES asked and was given permission to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I thank the chairman for yielding me this

time, and I want to thank the chairman for clarifying the title of this legislation, known as the Torres-Martinez Settlement Act, that in fact neither I, ESTEBAN TORRES, a Member of Congress, nor Representative MATTHEW MARTINEZ, a Member of Congress, have anything to do with this bill. It is simply the name of this particular California band of mission Indians.

Let me say that it is right for the United States to compensate the Torres-Martinez Tribe for the land that it lost through agricultural flooding, and I support resolution of the long-standing dispute between the tribe and the two water districts in southern California. But as the gentleman from Michigan, Mr. KILDEE, has stated, I cannot support the bill under the discussion that is being carried out here today.

H.R. 3460 is the result of a flawed process. It is a faulty bill because the Department of the Interior failed to follow its own procedures under the Indian Gaming Regulatory Act of 1988. That act, known as IGRA, requires the Department of the Interior to consult, I want to underscore that, consult with the Native American tribes and local municipal governments. And as the chairman has stated, the Department has admitted that such discussions never took place. Such discussions never took place.

Also in violation of IGRA, and of even greater concern, the proposed legislation sets a dangerous precedent by giving the tribe the right to purchase up to 640 acres for a gaming facility outside of traditional reservation boundaries.

Let me explain. Here we have a chart indicating by the yellow the initial parcel that was a settlement under the Bush administration, that gave the Torres-Martinez Tribe the basis for settling this land that was submerged under the Salton Sea. The Babbitt administration at the Department of the Interior later designated the second red zone here as a secondary zone. And this is where, then, we see that one tribe, no matter how disadvantaged it is, is given a special privilege because it has now leapfrogged over these other Indian tribes and communities without consultation in establishing a gaming facility up in this area.

If we allow this off-reservation land acquisition to move forward, what will stop other tribes in the States from seeking the permission to build casinos in other nontraditional land localities? Such special treatment erodes the trust and the cooperation that tribes have worked to establish between themselves and their local cities. It circumvents necessary input from affected communities. It violates existing regulations, and, yes, it just simply creates bad blood.

Let me make no mistake about this. This is not simply a bill to make overdue payments and amends to the Torres-Martinez Tribe. Let me show

you the other side of the picture. Members should be aware that a very powerful and wealthy consortium of non-Indians, with gambling ventures around the country, is very much a part of this shady deal.

The GTECH Corp. and Full House Resorts, Inc., are angling to develop a casino enterprise on the prime land this bill would permit the tribe to acquire. Lee Iacocca, no less, and Alan Paulson stand to gain much more, yes, much more than those poor impoverished Indians of the Torres-Martinez Tribe from this bill.

These are serious allegations and this is a serious issue, and for these reasons I am dismayed to see this bill was rushed through on the suspension calendar. I had no chance to offer amendments. My colleagues had no chance to remedy the faults in this bill.

I would like to see full field hearings, consultations, due process, safeguard procedures to remedy the faults in this legislation and make it a true settlement, a true settlement rather than a special interest giveaway. But, unfortunately, the leadership is pushing this bill through under a restrictive rule. I cannot offer needed amendments or changes, and that compounds the injustice of this.

So I call upon Members of this body and I call upon Members of the other body to step up to the plate and fix this faulty bill. The other body can work and should work to redress the flaws in H.R. 3640, and I so recommend, my colleagues in this Chamber, to call upon their colleagues in the other body to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman will refrain from asking the Senate to take certain actions.

Mr. RICHARDSON. The Torres-Martinez Indian Reservation was created in 1876 in the Coachella Valley of California. The Salton Sea flooded approximately 2,000 acres of reservation lands and in 1909 and additional 9,000 acres of submerged lands were included in the reservation. This was done with the belief that the Salton Sea would recede allowing the tribe access to the lands. In 1982 the United States brought a trespass suit on behalf of the tribe against the Imperial Irrigation District [IID] and the Coachella Valley Water District [CVWD]. The court found for the tribe and awarded \$212,908 in damages to the tribe from CVWD and \$2,795,694 in damages from IID. A second suit was filed on behalf of the tribe. At this point the United States intervened to facilitate a settlement with the tribe and the two water districts.

This settlement legislation would require the CVWD to pay \$337,908.41 to the tribe and its allottees and IID would pay \$3,670,694.33. In addition the United States would pay \$10,200,000 to the tribe. These amounts would be held in the U.S. Treasury in trust for the tribe and its allottee members.

The tribe would be allowed to acquire 11,800 acres of land to be considered as if it were acquired in 1909 except with regard to water rights. The tribe would be allowed to conduct gaming on only one site within this area. The local communities would have to support the casino and the tribe would be required to enter into a compact with the State. In return the water districts would receive a permanent flowage easement located within and below the 220-foot contour of the Salton Sink.

If this settlement is enacted, the tribe will waive all claims regarding the flooded lands of their reservation.

The administration is a party to this settlement and strongly supports it.

All but one local Indian tribe supports the bill as well as Governor Wilson and Attorney General Lundgren. The Cabazon Tribe was probably not consulted in the way that it should have been and I strongly encourage the two tribes to meet and talk out their differences. The Torres-Martinez Tribe has assured me they are willing to talk with the Cabazon.

I believe it is time to pass this bill and fix the wrong to the Torres-Martinez Tribe.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 3640, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2710) to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe, as amended.

The Clerk read as follows:

H.R. 2710

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hoopa Valley Reservation South Boundary Adjustment Act".

SEC. 2. LAND TRANSFER TO RESERVATION.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the lands described in subsection (b) shall hereafter be held in trust by the United States for the benefit of the Hoopa Valley Tribe and shall be part of the Hoopa Valley Reservation.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Range 5 East

and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as "Post H.V.R. No. 8" on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augusta T. Smith and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from said point on a bearing of north 72 degrees 30 minutes east, until intersecting with a line beginning at a point marked as "Post H.V.R. No. 3" on said survey and extending on a bearing of south 15 degrees 59 minutes east, comprising 2,641 acres more or less.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Six Rivers National Forest shall be adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section.

SEC. 3. SURVEY.

The Secretary of the Interior, acting through the Bureau of Land Management, shall survey and monument that portion of the boundary of the Hoopa Valley Reservation established by the addition of lands made by section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, H.R. 2710, the proposed Hoopa Valley Reservation South Boundary Adjustment Act, introduced by our colleague, the gentleman from California [Mr. RIGGS], would convey approximately 2,641 acres of land to the Hoopa Valley Tribe of California.

The land to be transferred is presently part of the Six Rivers National Forest and has been fully timbered pursuant to the Forest Service timber sales.

I note that these lands to be conveyed by H.R. 2710 contain the graves of the Tish-Tan-a-Tang band of Hoopa Indians and are currently used by the tribe for hunting, fishing, food gathering, and ceremonial purposes.

H.R. 2710 would eliminate a long-standing alternation of the originally intended boundary of the Hoopa Valley Indian Reservation.

Mr. Speaker, this is a fair and just bill and I urge my colleagues to support it.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I want to thank my very good friend and southern California colleague, Mr. GALLEGLY, from the community of Simi Valley in Ventura County.

Mr. Speaker, and colleagues, Mr. GALLEGLY has kind of given a quick overview of my legislation. This is simple straightforward legislation, but it is something that is fundamentally important as a matter of fairness and equity to the Hoopa Valley Tribe in Humboldt County, the largest county in my congressional district.