

Mr. SAXTON. Mr. Speaker, H.R. 3068 was passed by the House on May 16, amended by the other body on September 19, and sent back to us for further action.

The amendment added by the other body consists of section 2 and section 3.

Section 2 would amend the Jicarilla Apache Tribe Water Rights Settlement Act by extending, for 2 years, the time during which the tribe, the State of New Mexico, and other parties to the suit must work out various details to this water settlement and have those details included in a court decree adjudicating the water rights in question.

Section 2 of H.R. 3068 is important, is fair, and should be supported by the House.

Section 3, added by amendment by the other body, would amend the San Carlos Apache Tribe Water Rights Settlement Act of 1992 by extending to June 30, 1997, the date for the parties to this settlement to reach agreement on certain matters which are part of that settlement.

This amendment to H.R. 3068 is important, is fair, and should be supported by the House.

In summary, Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 3068, as amended by the other body.

□ 1345

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman for yielding me time, and commend the subcommittee for this good piece of legislation, which has, in my judgment, been made more important by the addition of the Jicarilla Water Rights Settlement Act, because this is a provision that affects one of the tribes in my congressional district.

The Senate Indian Affairs Committee added this provision extending the water rights settlement of the Jicarilla by 2 years. So what we have is an ability for the tribe now to have access to water and water settlement funds under the act, and with this provision. This is contingent upon dismissal of actions by the tribe against the U.S. Government and a waiver of the tribe's reserve water rights claims in State courts with respect to the Rio Chama and San Juan Rivers.

This bill also requires the U.S. Government and the State of New Mexico to enter into partial final decrees by December 31, 1996. State court proceedings have been delayed, however, and all parties, that is, the tribe, the U.S. Government and the State, requested a 2-year extension to finalize the settlement.

This has been an important settlement. It needs to be settled. More time

is needed. Hopefully these 2 years will avoid litigation in the future, for the Jicarilla's water rights are critically important. For the State of New Mexico this is a paramount issue, and for the Federal Government, we are getting a good bang for the buck. So this is a good bill, and it has been enhanced, in my judgment, by this Senate amendment, which extends the Jicarilla Water Rights Act by 2 years.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Rochester, MN [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, today, I am pleased that the House is giving final consideration to a H.R. 3068, a bill to repeal the corporate charter of the Prairie Island Dakota Community in Minnesota. The Senate added two noncontroversial amendments to this bill which extend the deadline to complete water rights settlements for tribes in New Mexico and Arizona.

The Prairie Island Tribe contacted me last June requesting revocation of their 1934 charter. By law, revoking this 62-year-old document can only be done by an act of Congress.

In its entire tribal government history, Prairie Island has never used its corporate charter in the management of its enterprises.

H.R. 3068 passed the House and Senate by voice vote. The bill acknowledges that the people of Prairie Island know best how to handle their business activities. It is another example of this Congress sending control back to local communities, and I am proud to be part of that process.

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, I, too, support this bill and urge its passage. We revisit this bill a second time because of two noncontroversial Senate amendments to our original bill which passed this House under suspension of rules on May 22 of this year.

This bill takes the long overdue step of revoking the Prairie Island Indian community of Minnesota's Federal charter of incorporation issued under the archaic Indian Reorganization Act [IRA] in 1937. We take this step because only Congress can revoke this charter. Congress created the IRA in an attempt to remake tribal governments by giving them boilerplate constitutions and bylaws including provisions allowing tribal councils to conduct business enterprises pursuant to charters issued under section 17 of the IRA. The tribe received its charter in 1937. The charter has proven to be more of a hindrance than a help. For instance, the charter prevents the tribe from entering into contracts of more than \$100 without secretarial approval. Basi-

cally, the charter is outmoded, burdensome, and more a vestige of 1930's paternalism than the current Federal policy of self-determination. Thus, the tribe has asked us to revoke their charter and we do so today.

The Senate Indian Affairs Committee added a provision extending the Jicarilla Water Rights Settlement Act of 1992 by 2 years. The tribe's access to water and settlement funds under the act are contingent upon dismissal of actions by the tribe against the United States and a waiver of the tribe's reserved water rights claims in State courts with respect to the Rio Chama and San Juan Rivers. The act also requires the United States and New Mexico to enter into partial final decrees by December 31, 1996. State court proceedings have been delayed, however, and all parties—the tribe, the United States and the State—request a 2-year extension to finalize the settlement.

The Senate Indian Affairs Committee also added a provision extending the San Carlos Apache Water Rights Settlement Act of 1992 by 6 months. The 1992 act imposed a deadline of December 31, 1995, for completion of agreements between the tribe and other parties. Because the tribe, the city of Globe, AZ, and the Phelps Dodge Corp. had not reached an agreement by the deadline, Congress extended the settlement deadline by 1 year, to December 31, 1996, earlier this session—Pub. Law 104-91 (H.R. 1358). Unfortunately, the parties have still not reached an agreement and have asked for an additional extension of 6 months, until June 30, 1997. The administration supports this request.

These amendments have our support and will assist these tribes in furthering their own economic self-dependence and help settle longstanding water disputes. Again, I urge my colleagues to support these measures.

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

Mr. SAXTON. 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 New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3068.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 3068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

# REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES TO AGUA CALIENTE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3804) 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, as amended.

The Clerk read as follows:

H.R. 3804

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

## SECTION 1. REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES.

(a) IN GENERAL.—The fourth undersigned 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 (25 U.S.C. 951 et seq.), is amended by striking "east: *Provided,*" and all that follows through "deceased member." and inserting "east."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to net rents, profits, and other revenues that accrue on or after the date of enactment of this Act.

(c) AGREEMENT TO MAKE PAYMENT.—The Congress finds that the Agua Caliente Band of Mission Indians, in Tribal Ordinance Number 22, dated August 6, 1996, has agreed to make payments permitted by reason of the amendment made by subsection (a). The Congress expects the Band to make such payments within 180 days after the date of enactment of this Act.

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

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. SAXON. Mr. Speaker, H.R. 3804, a bill authored by the gentleman from Palm Springs, CA [Mr. BONO], the former mayor of Palm Springs, would remove a restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

This restriction removal is necessary so that the tribe may move forward with its distribution of revenues to tribal members. I support the bill, and I commend the author, Mr. Speaker, for his hard work on this measure, and urge my colleagues to support it.

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, I rise today to lend my support to H.R.

3804, a bill introduced to help the Agua Caliente Band of Cahuilla Indians who reside in the resort town of Palm Springs, the heart of Representative SONNY BONO'S district, who is also the sponsor of this measure. The bill will allow the tribe to distribute revenues from its Mineral Springs parcel to all members of the tribe. Presently, only about 85 members are entitled to these revenues as the 1959 Settlement Act reserved certain lands that resulted in an unequal distribution of allotments to tribal members. To compensate members who received smaller allotments because of the act's reservation of lands, the act gave certain members and their heirs the right to revenues from the Mineral Springs parcel. That parcel is home today to the tribe's Spa Hotel and Casino.

I and my Democratic colleagues, however, have a serious reservation about this bill that I wish to express. Our reservation is that this bill, in effect, gives the tribe the opportunity to begin per capita payments to tribal members from gaming profits from the tribe's casino in Palm Springs. I am not alone in my hesitancy to condone these kind of payments. Rather, and most of my colleagues feel the same way, the authorization of per capita payments is one of the most serious flaws in the Indian Gaming Regulatory Act. Although there are restrictions in the act to guarantee that most gaming revenues are used to fund tribal governmental programs and promote tribal economic development, the fact is that some tribes have chosen to make significant per capita payments to their members. Unfortunately, these payments often have the effect of reducing work incentives or have sometimes been made in order to create a supportive base among tribal members. I hope that tribes, including this tribe, will see past the short term and illusory attractiveness of per capita payments and continue to reinvest all gaming revenues into public programs.

Nevertheless, it is equally true that we are committed to furthering the Federal policy of self-determination and self-governance, and that if that phrase is to mean anything other than mere words, then it means that Indian tribes have, and we must trust them with, the same opportunities and decisionmaking capabilities as other governments in this country. Accordingly then, although we may be opposed to per capita payments, self-determination requires that we leave that decision up to the tribe, who as a sovereign nation, as a government, is fully vested with the power and wisdom to look after and protect its own people.

Mr. Speaker, noting these concerns, this legislation deserve support and approval by this body, and I urge my colleagues to adopt this legislation.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BONO],

the author of the bill, who has a long-standing interest in this issue.

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

Mr. BONO. Mr. Speaker, I thank my colleague, the gentleman from American Samoa [Mr. FALEOMAVAEGA], for his comments. The gentleman described the issue perfectly.

Mr. Speaker, not to repeat what has already been described, basically this is a readjustment of funds for the tribes and for the allottees. This is an agreement that the tribes and the allottees have reached themselves, where they have decided it would be a more equitable distribution of portions of the funds.

Mr. Speaker, I tried to do whatever I could to accommodate their needs, and this bill seems to fit within the needs that they are requesting. So I ask that this bill pass unanimously.

Mr. Speaker, the bill amends the 1959 Agua Caliente Allotment Act so that allottees may receive equal allotment income, and so funds from the Mineral Springs parcel of land may be used for the benefit of the entire tribe.

Agua Caliente has 319 members.

Under the 1959 act, 85 allottees or their heirs were given exclusive right to revenues from the Mineral Springs land. The intent of this provision was to provide a means for these allottees to make up for a \$5,000 shortfall in allotment values. The attached materials fully explain the history of this shortfall.

However, the tribal government determined that implementation of this provision would have actually defeated the intention of the 1959 act by giving more to these allottees than others would have received. Therefore, the tribe has never made the payments to the 85 allottees of their heirs.

This amendment will finally make the good intentions of the 1959 act a reality. Under this amendment, the allottees receive \$22,000 from the tribal government to make up for original \$5,000 shortfall from 1959.

This figure was based on a 1993 appraisal of the parcel's current value, and was equally divided among the 85 allottees, and chosen by tribal members in a poll. The funds are currently being held in escrow in anticipation of enactment of this legislation.

To address concerns of a few of the allottees, I have placed in this bill language which specifies that the payments must be made within 180 days of enactment of this bill.

I have also included language requiring compliance with the August 6, 1996, tribal ordinance which explains the disbursement procedure and clearly states that this one-time lump payment to allottees cannot preclude these allottees from receiving tribal funds from the land in the future. This ordinance is in addition to the tribal council's resolution No. 22 of April 25, 1996.

In exchange for this one-time large payment, the allottees give up their exclusive right to funds from the parcel, so that the tribal government can use revenues for the benefit of the whole tribe.

These funds are particularly needed, as 50 percent of the tribal members live in poverty.

I have received over 50 letters from tribal members in support of this bill, which I enter in the RECORD as attachments.