

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.

This is a good solution to a long-standing problem. I urge my colleagues to support it.

Mr. Speaker, I include for the RECORD a letter concerning this matter, as well as a copy of the Agua Caliente Ordinance No. 22.

SEPTEMBER 17, 1996.

Re Proposed Amendment to H.R. 3804, Palm Springs Equalization of Allotments Act, Agua Caliente Indian Reservation.

Hon. SONNY BONO,

*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMAN BONO: You may have heard that three members of the Agua Caliente Band of Cahuilla Indians oppose certain aspects of the above proposed legislation. While those three may oppose it, the great majority of the Members of this Tribe support the legislation.

The amendment has been discussed at 19 meetings of the Tribal Council, and the minutes of these meetings have been mailed out to all Tribal Members. The proposed amendment has been the subject of at least one special Tribal Meeting, as well as a straw poll and vote as to the wishes of the Members. We believe that this proposed amendment will remove a long-standing obstacle to the economic self-sufficiency of this Tribe and its Members, and will do so in a way that is fair to all affected.

We urge you to continue to support this important legislation for the benefit of all Tribal Members.

Sincerely yours,

MORAINO J. PATENCIO,  
*Agua Caliente Tribal Member #142.*

#### ORDINANCE No. 22

Whereas, an early version of the bill which became the Agua Caliente Equalization Act of September 21, 1959 (P.L. 86-339, 25 U.S.C. Section 951, et seq.) provided for the allotment of virtually all of the lands of the Agua Caliente Indian Reservation, reserving from allotment only Parcel A of what is now the Spa Hotel property and certain other properties not relevant to this matter; and

Whereas, by a resolution adopted by the Tribal Council on April 1, 1958, the Tribe requested Congress to reserve from allotment not only Parcel A but also Parcel B of what is now the Spa Hotel Property, so as to allow the construction of the Spa Hotel to proceed on both parcels; and

Whereas, Congress granted the Tribe's request and reserved both Parcel A and Parcel B from allotment; and

Whereas, when Congress granted this Tribal request, it knew that the non-allotment of Parcel B would reduce the then appraised value of the land available for equalization allotments to approximately 85 otherwise eligible Tribal Members by approximately \$5,000 each; and

Whereas, in order to provide some benefit to those approximately 85 otherwise eligible Tribal Members who would have shared in or benefited from the allotment of Parcel B if it had not been reserved from allotment, Congress inserted the following language as a proviso (the "Proviso") into Section 3(b) of the Agua Caliente Equalization Act:

*Provided, That no distribution to member of the band of the net rents, profits, or other revenues derived from that portion of these lands which is designated as "parcel B" in the supplement dated September 8, 1958, between the Agua Caliente Band of Mission Indians and Palm Springs Spa dated January 21, 1958, or the net income derived from the investment of such net rents, profits, and other revenues or from the sale of said lands or of assets purchased with the net rents, profits, and other revenues aforesaid or with*

*the net income from the investment thereof shall be made except to those enrolled members who are entitled to an equalization allotment or to a cash payment in satisfaction thereof under this subchapter or, in the case of such a member who died after September 21, 1959, to those entitled to participate in his estate, and any such distribution shall be per capita to living enrolled members and per stirpes to participants in the estate of a deceased member; and*

Whereas, while the Tribal Council does not believe that any of the approximately 85 Members and others covered by the Proviso necessarily has a vested property right under the terms of the Proviso, the Tribe does wish to treat both them and all other Tribal Members fairly and equitably as it seeks legislation to delete the Proviso from federal law and thereby to allow any revenues from Parcel B to be used for the benefit of all Tribal Members after providing appropriate compensation to the affected 85 Tribal Members and others; and

Whereas, the Tribal Council has consulted with all Tribal Members on the above subject by calling a special Tribal Meeting on October 5, 1995, by distributing a straw poll on the subject of appropriate compensation for those affected by the deletion of the Proviso, and by numerous discussions at meetings of the Tribal Council; and

Whereas, after extensive discussion, research, and consideration, both within the Tribal Council and with others, the Tribal Council believes that there is no perfect solution that will satisfy every potential concern of every one of the 85 affected Tribal Members, while also satisfying all other Tribal Members in every regard; and

Whereas, there is no dollar figure for such compensation which would fairly take into account every possible factor in calculating an appropriate dollar figure, which factors include, but are certainly not limited to: possible sale, lease, or condemnation of Parcel B; if leased, whether the lessee would have performed; if leased, the amount of income from the lease; if leased, the value of the underlying fee subject to the lease; interest rates on the \$5,000 equivalent value for each of the 85 interests; rates of return on the \$5,000 equivalent value for each of the 85 interests if this equivalent value had been invested, and risk of loss thereof; etc.; and

Whereas, because it is not possible to produce any dollar figure for compensation for the 85 interests which takes into account all of the above variables and others, the Tribal Council has instead elected to choose an arbitrary figure of \$22,000; and

Whereas, the total payment pertaining to the 85 interests will be \$1,870,000, of which the Tribe has already accumulated approximately 70% pursuant to item A.1.c. of its Interim Gaming Revenue Allocation Plan, which amounts cannot be used for any purpose other than satisfaction of the claims of the above 85 Tribal Members and others; and

Whereas, the Tribal Council wishes to provide formal assurance to the holders of the 85 shares that they will actually be paid the above sum; and

Whereas, the Tribal Council has reviewed and approved a set of escrow instructions which conforms to the following requirements, with accompanying exhibits;

Now, therefore, be it ordained and enacted by the Tribal Council of the Agua Caliente Band of Cahuilla Indians that:

1. No later than August 8, 1996 the Tribe, acting through its Tribal Council, will open an escrow with Spring Mountain Escrow Co., 559 South Palm Canyon Drive, Suite B-101, Palm Springs, CA. Into this escrow, the Tribal Council will deposit no less than \$1,309,000 upon the opening of the escrow. The escrow instructions for this escrow will be a stand-

ard format for a basic holding escrow. The instructions will specify that, no later than one year from the date of the enactment by Congress of a United States statute, and its approval by the President, which statute includes or comprises the language which is set forth in Exhibit A hereto, the total sum of \$1,870,000 will be disbursed by the escrow holder to those persons whose names appear on the list which is attached hereto as Exhibit B in the amounts set forth and to the addresses set forth in Exhibit B. The Tribal Council will deposit the balance of the \$1,870,000 remaining after the above initial deposit of no less than \$1,309,000 within 120 days of the opening of the escrow. The escrow holder will disburse these funds in a first increment of \$1,309,000 promptly after the enactment of the said statute, and in a second increment promptly after the deposit by the Tribe of the balance of approximately \$561,000 into the escrow. The escrow instructions will specify that, once the initial deposit is made, the only changes in instructions that the escrow holder will accept will be to reflect changes in the names of those entitled to payment due to deaths, and changes in mailing addresses, with the names and amounts being fixed as of the date of the enactment of the said statute. The instructions will further specify that, until disbursed, the deposited funds will be invested in a liquid federally-insured interest-bearing account, with the interest thereon paid to cover the expenses and fees of the escrow, and any remaining balance being returned to the Tribe at the close of escrow, which will occur no later than one year from the opening of the escrow and preferably promptly after the second disbursement.

2. The Tribal Council hereby authorizes and directs its Chairman and/or Vice-Chairman to execute the accompanying set of escrow instructions which conform to the above requirements, a copy of which is attached hereto as Exhibit C, and to take all actions called for in those instructions.

3. The Tribal Council hereby authorizes the Chairman or Vice-Chairman to cause the payment of the above \$1,309,000, plus an amount no more than twice the estimated escrow fees and expenses, from the category allocated for this purpose in the Interim Tribal Gaming Revenue Allocation Plan, item A.1.c., into the above escrow no later than August 8, 1996.

4. The Tribal Council hereby authorizes and directs its Chairman or Vice-Chairman to cause the deposit of the balance of approximately \$561,000 from the category allocated for this purpose in the Interim Tribal Gaming Revenue Allocation Plan, item A.1.c., into the above escrow no later than 120 calendar days after the opening of the above escrow.

5. The Tribal Council hereby approves the use in the above escrow of the documents accompanying this Ordinance and identified in this Ordinance as:

Exhibit A: language of proposed federal statute

Exhibit B: list of names of those to receive payment under this Ordinance, together with amount to be paid to each

Exhibit C: Escrow instructions

6. As soon as practical after the enactment of this Ordinance, the Chairman or Vice-Chairman will cause the Tribal Office Staff to prepare for informal review by those members of the Tribal Council who are readily available a list of the mailing addresses of all those names appear on Exhibit B, based on the official mailing list for those individuals who are living Tribal Members and on the best available information from Tribal and Bureau of Indian Affairs records for those who are not Tribal Members. The Chairman or Vice-Chairman is hereby authorized and directed to transmit this list of

mailing addresses to the escrow holder for use as specified in the escrow instructions.

7. The Chairman and Vice-Chairman, as well as the Tribal Attorney and Tribal Office Staff, are hereby authorized and directed to take whatever other steps are called for in Exhibit C to perform the tasks, give the instructions and documents, and take all other steps called for in the escrow instructions in order to accomplish its goals and to close the escrow as quickly as possible.

8. Once a complete package is ready, consisting of this Ordinance and Exhibits A,B, and C, the Chairman or vice-Chairman is authorized and directed to send copies of that package, plus an appropriate cover letter of explanation, to all those whose names appear on Exhibit B. The purpose of doing so will be both to inform those affected of how the Agua Caliente Band intends to compensate those who are affected by the proposed legislation, and to verify their mailing addresses. Also, copies of this package will be available to all Tribal Members on request.

Dated: August 6, 1996.

RICHARD M. MILANOVICH,  
Chairman.  
BARBARA GONZALES-LYONS,  
Vice-Chairman.  
MARCUS J. PETE,  
Secretary/Treasurer.  
VIRGINIA SIVA,  
Member.  
CANDACE PATE,  
Member.

#### EXHIBIT C

INSTRUCTIONS TO SPRING MOUNTAIN ESCROW CORPORATION FOR THE CONDUCT OF AN ESCROW BY THE AGUA CALIENTE BAND OF CAHUILLA INDIANS

#### A. Identification of Parties

The Agua Caliente Band of Cahuilla Indians is a federally-recognized Indian tribe with offices at 110 North Indian Canyon Drive, Palm Springs, CA 92262, and is hereinafter referred to as the "Tribe." Spring Mountain Escrow Corporation is a California corporation with offices at 559 South Palm Canyon Drive, Suite B-101, Palm Springs, CA 92264, and is hereinafter referred to as "Escrow." The Tribe now establishes this escrow pursuant to the following Instructions.

#### B. Purpose of Escrow

The purpose of these Instructions is for the Tribe to give specific directions to Escrow on the subject of how, when, and under what conditions Escrow will distribute a fund of money to be deposited with Escrow by the Tribe into 85 equal shares, with some shares going to single individuals, and other shares being divided among the heirs of deceased individuals. This is a holding escrow with no other parties except the recipients of the funds. All of the instructions to the Escrow will come from the Tribe. The escrow will be deemed open upon the delivery of one executed original set of these Instructions to Escrow.

#### C. Deposit of Funds

No later than August 8, 1996 the Tribe will deposit into escrow, by means of a check payable to Escrow, the sum of one million three hundred ten thousand dollars (\$1,310,000).

At a later date, which will be no later than 120 calendar days after the opening of the escrow, The Tribe will deposit into escrow, by means of a second check payable to Escrow, the additional sum of five-hundred sixty-one thousand dollars (\$561,000).

All such funds will be used and disbursed by Escrow in accordance with these Instructions. The Tribe and Escrow acknowledge that, prior to the disbursement or use of any funds, including any investment thereof, all

funds received by Escrow shall be subject to a "hold" until such time as the funds are deemed "collected" according to the statutes governing escrow agents.

#### D. Deposit of Documents

No later than August 8, 1996, the Tribe will deposit into escrow a written schedule ("Schedule A") of the names of the persons to whom Escrow will disburse the deposited funds. Along side each such name will appear the amount to be disbursed to each such named person. Escrow will not be concerned with the accuracy or completeness of either the names or amounts so listed, and will rely on the document supplied by the Tribe for this purpose. However, because of the possibility of deaths and other changes in the names on Schedule A, it is possible that the initial version of Schedule A will be replaced by later version(s). Escrow will rely on and use the last-deposited version of Schedule A as of the date specified in section H below. To be valid and accepted by Escrow, any version of Schedule A must bear the original signature of either the Tribe's chairman, Richard M. Milanovich, or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons, (or successor).

No later than August 23, 1996, the Tribe will deposit into escrow a written schedule ("Schedule B") of the mailing addresses of each person whose name appears on Schedule A. Escrow will not be concerned with the completeness or accuracy of the addresses on Schedule B, and will rely on the document supplied by the Tribe for this purpose. However, because addresses may change, it is possible that the initial version of Schedule B will be replaced by later version(s). Escrow will rely on and use the last-deposited version of Schedule B as of the date specified in section H below. To be valid and accepted by Escrow, any version of Schedule B must bear the original signature of either the Tribe's Chairman, Richard M. Milanovich, or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons, (or successor).

If and when Congress enacts a certain provision of federal law and the President signs it, the Tribe will deposit into escrow a resolution, executed by the Tribal Council, stating that such provision has been enacted into federal law, attached to which will be a copy of the said provision. This letter and attachment will be referred to as "Resolution A."

#### E. Investment of Funds

Upon clearance of Funds, Escrow is authorized and directed to invest the escrow funds in short-term and liquid instruments either guaranteed by the United States, or an agency thereof, or obligations of the United States, or an agency thereof. In either case, the invested funds must be fully insured or guaranteed by the United States. Because the Tribe is no subject to federal income tax, Escrow will not issue an IRS form W-9 or similar instrument to the Tribe for the income so earned by the investment of the escrow funds. Such investments shall be approved by the Tribal Council.

#### F. Release of Funds

Upon the receipt of Resolution A from the Tribe, Escrow will disburse one million three hundred and ten thousand dollars of the escrow funds to the persons whose names appear on Schedule A in amounts proportionate to a fraction whose numerator is 1,309,000 and whose denominator is 1,870,000 multiplied by the amount listed on Schedule A opposite the name of each such person. For example, in the case of a person opposite whose name the figure of \$22,000 appears on Schedule A, the first payment will be:

$$(1,309,000 \div 1,870,000) \$22,000 = \$15,400.00$$

The above set of payments will be referred to as the first round of disbursements. All

payments will be made by check payable to each person whose name appears on Schedule A by certified mail, return receipt requested, to the addresses as listed in Schedule B.

Upon all of the following three events, Escrow will promptly make a second round of disbursements:

1. The completion of the first round of disbursements

2. Deposit by the Tribe into escrow of the above sum of \$561,000 in addition to the above deposit of \$1,309,000

3. No more than one calendar year has elapsed since the date of the enactment of the federal statute described above and attached to Letter A, as determined from the date of the President's signature thereon.

This second round of disbursements will be to those persons whose names appear on Schedule A in the same manner as with the first round of disbursements, but in amounts proportionate to a fraction whose numerator is 561,000 and whose denominator is 1,870,000 multiplied by the amount listed in Schedule A opposite the name of each such person. For example, in the case of a person opposite whose name the figure of \$22,000 appears on Schedule A, the second payment will be:

$$(\$561,000 \div 1,870,000) \$22,000 = \$6,600.00$$

The end result of both disbursements will be that each person whose name is listed on Schedule A, and opposite whose name the figure of \$22,000 appears, will receive a total of \$15,400.00 + \$6,600.00 = \$22,000.00, while all others whose names appear on Schedule A will receive two payments which total the figure listed opposite the name of each on Schedule A in the above proportions.

#### G. Disposition of undisbursed funds

Whatever funds may remain with Escrow after payment of all of Escrow's fees and expenses, whether the first or second deposit into escrow by the Tribe or the income thereon, will be returned to the Tribe by check payable to the Tribe upon the happening of the sooner of the following two events:

1. The second round of disbursements is complete, or

2. One year has elapsed since the opening of escrow

#### H. Fixing of Names and Amounts on Schedule A

Escrow will make all disbursements based on the latest-received version of Schedule A that has been deposited by the Tribe into escrow on the date of the enactment of the federal statute, a copy of which is attached to Resolution A above, with the date of such enactment determined by the date of the President's signature thereon.

#### I. Notice to Recipients

Outside of escrow, and as a matter with which Escrow will not be concerned, the Tribe will mail to each person whose name appears on Schedule A at the address listed for each such person on Schedule B a copy of these Instructions, a copy of Schedule A, and an explanatory letter.

#### J. Amendments to these Instructions

The only amendments to these Instructions which Escrow will accept and act upon must be accompanied by an original resolution of the Tribal Council of the Tribe, must bear the original signature of either the Tribe's Chairman, Richard M. Milanovich (or successor), or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons (or successor), and must be on one or more of the following subjects only:

1. A new version of Schedule A which is received by Escrow prior to the date described in section H above

2. A new version of Schedule B

#### K. Close of escrow

This escrow will close on the earlier of the two dates described above in section G. At

that time, Escrow shall return the items and funds deposited by the Tribe to the Tribe as set forth herein.

#### *L. Payment of Fees and Expenses of Escrow*

Attached hereto is a schedule of the normal or anticipated fees and expenses which Escrow expects to incur in performing its duties under this escrow. The Tribe approves this schedule, up to a total maximum of \$3,500.00, which sum will not be exceeded without written authorization from the Tribe's Tribal Council, which authorization will not be treated as an amendment to these Instructions. Escrow will deduct all such authorized fees and expenses prior to making the disposition of funds described in section G above.

#### *M. General Provisions*

Escrow's printed General Provisions follow the typed section of these Instructions and are incorporated by reference as if set forth in full at this point. In case of any conflict between the General Provisions and these typed Instructions, the typed Instructions will prevail.

Dated: August 6, 1996, Agua Caliente Band of Cahuilla Indians ("Tribe").

RICHARD M. MILANOVICH,  
Chairman.

#### *Breakdown of Holding Escrow for Agua Caliente Band Escrow*

Holding fee .....	\$1,600.00
Postage for appx. 200 checks certified mail .....	1,000.00
Per check charge at \$2.00 per check appx. 200 .....	400.00

In the event of excessive checks and postage, we will charge as stated above.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I commend my good friend, the gentleman from California [Mr. BONO], the chief sponsor of this legislation, I urge adoption of the bill, 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 pass the bill, H.R. 3804, 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.

#### 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 and include extraneous remarks on H.R. 3804, as amended.

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

There was no objection.

#### PROVIDING FOR STUDY ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3973) to provide for a study of

the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, as amended.

The Clerk read as follows:

H.R. 3973

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

#### SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

The Congress finds and declares the following:

(1) The Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives (hereafter in this Act referred to as the "Alaska Natives Commission") was established by Public Law 101-379 (42 U.S.C. 2991a note) following the publication in 1989 of the "Report on the Status of Alaska Natives: A Call for Action" by the Alaska Federation of Natives and after extensive congressional hearings which focused on the need for the first comprehensive assessment of the social, cultural, and economic condition of Alaska's 86,000 Natives since the enactment of the Alaska Native Claims Settlement Act, Public Law 92-203.

(2) The 14 member Alaska Natives Commission held 15 regional hearings throughout Alaska between July 1992 and October 1993, and 2 statewide hearings in Anchorage coinciding with the Conventions of 1992 and 1993 of the Alaska Federation of Natives. In May 1994, the Alaska Natives Commission issued its 3 volume, 440 page report. As required by Public Law 101-379, the report was formally conveyed to the Congress, the President of the United States, and the Governor of Alaska.

(3) The Alaska Natives Commission found that many Alaska Native individuals, families, and communities were experiencing a social, cultural, and economic crisis marked by rampant unemployment, lack of economic opportunity, alcohol abuse, depression, and morbidity and mortality rates that have been described by health care professionals as "staggering".

(4) The Alaska Natives Commission found that due to the high rate of unemployment and lack of economic opportunities for Alaska Natives, government programs for the poor have become the foundation of many village economies. Displacing traditional Alaska Native social safety nets, these well-meaning programs have undermined the healthy interdependence and self-sufficiency of Native tribes and families and have put Native tribes and families at risk of becoming permanent dependencies of Government.

(5) Despite these seemingly insurmountable problems, the Alaska Natives Commission found that Alaska Natives, building on the Alaska Native Claims Settlement Act, had begun a unique process of critical self-examination which, if supported by the United States Congress through innovative legislation, and effective public administration at all levels including traditional native governance, could provide the basis for an Alaska Native social, cultural, economic, and spiritual renewal.

(6) The Alaska Natives Commission recognized that the key to the future well-being of Alaska Natives lay in—

(A) the systematic resumption of responsibility by Alaska Natives for the well-being of their members,

(B) the strengthening of their economies,

(C) the strengthening, operation, and control of their systems of governance, social services, education, health care, and law enforcement, and

(D) exercising rights they have from their special relationship with the Federal Gov-

ernment and as citizens of the United States and Alaska.

(7) The Alaska Natives Commission recognized that the following 3 basic principles must be respected in addressing the myriad of problems facing Alaska Natives:

(A) Self-reliance.

(B) Self-determination.

(C) Integrity of Native cultures.

(8) There is a need to address the problems confronting Alaska Natives. This should be done rapidly, with certainty, and in conformity with the real economic, social, and cultural needs of Alaska Natives.

(9) Congress retains and has exercised its constitutional authority over Native affairs in Alaska subsequent to the Treaty of Cession and does so now through this Act.

#### SEC. 2. ALASKA NATIVE IMPLEMENTATION STUDY.

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

(1) the Alaska Natives Commission adopted certain recommendations raising important policy questions which are unresolved in Alaska and which require further study and review before Congress considers legislation to implement solutions to address these recommendations; and

(2) the Alaska Federation of Natives is the representative body of statewide Alaska Native interests best suited to further investigate and report to Congress with proposals to implement the recommendations of the Alaska Natives Commission.

(b) GRANT.—The Secretary of Health and Human Services shall make a grant to the Alaska Federation of Natives to conduct the study and submit the report required by this section. Such grant may only be made if the Alaska Federation of Natives agrees to abide by the requirements of this section.

(c) STUDY.—Pursuant to subsection (b), the Alaska Federation of Natives shall—

(1) examine the recommendations of the Alaska Natives Commission;

(2) examine initiatives in the United States, Canada, and elsewhere for successful ways that issues similar to the issues addressed by the Alaska Natives Commission have been addressed;

(3) conduct hearings within the Alaska Native community on further ways in which the Commission's recommendations might be implemented; and

(4) recommend enactment of specific provisions of law and other actions the Congress should take to implement such recommendations.

(d) CONSIDERATION OF LOCAL CONTROL.—In developing its recommendations pursuant to subsection (c)(4), the Alaska Federation of Natives shall give specific attention to the ways in which the recommendations may be achieved at the local level with maximum local control of the implementation of the recommendations.

(e) REPORT.—Not later than 12 months after the date on which the grant is made under subsection (b), the Alaska Federation of Natives shall submit a report on the study conducted under this section, together with the recommendations developed pursuant to subsection (c)(4), to the President and the Congress and to the Governor and legislature of the State of Alaska. In addition, the Alaska Federation of Natives shall make the report available to Alaska Native villages and organizations and to the general public.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$350,000 for the grant under subsection (b).

(g) ADDITIONAL STATE FUNDING.—The Congress encourages the State of Alaska to provide the additional funding necessary for the completion of the study under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from