

which it stands, one nation under God, indivisible, with liberty and justice for all.

### EDUCATION IS A COMMONSENSE MATTER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, what is the secret to getting a great education? Brandnew classrooms, the latest computers, a teaching staff trained in the latest pedagogical methods, record spending on school budgets? Of course not. Common sense alone suggests that a great education is a product of the same ingredients that has made for a great education for centuries: motivated students, parents who care about their children's schooling, and teachers with energy and dedication.

What Federal program conceived in Washington, DC, can produce motivated students? What Federal program can make parents care about their children's schooling? What Federal program can produce teachers with energy and dedication?

Mr. Speaker, this is truly puzzling for me, that so many people with Ph.D.'s right here in this community in education and journalists with equally impressive credentials tend to forget these commonsense facts so often when it comes to education. It is time to get back to basics. It is time that Washington encouraged them to do it now, and not tomorrow.

### THE WORLD IS IN MOURNING FOR MOTHER TERESA OF CALCUTTA

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, on Friday, September 6, the world lost one of its greatest humanitarian leaders. The death of Mother Teresa of Calcutta has touched literally billions of people in every part of the world, particularly in India, where Mother Teresa began her work taking care of the poorest of the poor some 5 decades ago.

Mother Teresa's death has prompted an outpouring of grief, as well as gratitude to this diminutive woman who many considered a saint on Earth. India's Prime Minister Gujral, visiting the modest convent chapel where Mother Teresa entered religious service, said that the world is mourning. Flags in India are flying at half-staff and a state funeral is planned for Saturday, the highest honor the Indian Government can give.

The funeral offers an opportunity for everyone, from powerful world leaders to the humblest people of Calcutta, to join in paying tribute to a woman who tirelessly ministered to the world's most afflicted citizens.

Mr. Speaker, as we mourn the passing of Mother Teresa, I am sure that all of us in this body extend our best

wishes to her successor, Sister Nirmala, as she works to continue the work begun by this remarkable woman who saw God in the face of every human being.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 7 p.m. today.

### MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1997

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 976) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians and for other purposes, as amended.

The Clerk read as follows:

H.R. 976

*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 "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997".

#### SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

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

(3) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

#### SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92-555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90-352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of the Tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, after payment of attorney fees and other expenses, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

#### SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—Subject to section 5, as soon as practicable after the date that is 1 year after the date of enactment of this Act, the Secretary shall distribute an aggregate amount, equal to the funds described in section 3 reduced by \$1,469,831.50, as follows:

(1) 28.9276 percent of such amount shall be distributed to the tribal governing body of the Spirit Lake Sioux Tribe of North Dakota.

(2) 57.3145 percent of such amount shall be distributed to the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(3) 13.7579 percent of such amount shall be distributed to the tribal governing body of the Assiniboiné and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (b).

(b) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboiné and Sioux Tribes shall act as the governing body of the Assiniboiné and Sioux Tribes of the Fort Peck Reservation.

#### SEC. 5. ESTABLISHMENT OF TRIBAL TRUST FUNDS.

(a) IN GENERAL.—As a condition to receiving funds distributed under section 4, each tribal governing body referred to in section 4(a) shall establish a trust fund for the benefit of the covered Indian tribe under the jurisdiction of that tribal governing body, consisting of—

(1) amounts deposited into the trust fund; and

(2) any interest and investment income that accrues from investments made from amounts deposited into the trust fund.

(b) TRUSTEE.—Each tribal governing body that establishes a trust fund under this section shall—

(1) serve as the trustee of the trust fund; and

(2) administer the trust fund in accordance with section 6.

#### SEC. 6. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds distributed to a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds distributed under section 4 may be used by a tribal governing body referred to in section 4(a) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe; or

(3) the development of a program that is beneficial to members of the covered Indian tribe, including educational and social welfare programs.

(c) AUDITS.—

(1) IN GENERAL.—The Secretary shall conduct an annual audit to determine whether each tribal governing body referred to in section 4(a) is managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section.

(2) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—If, on the basis of an audit conducted under paragraph (1), the Secretary determines that a covered Indian tribe is not managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section, the Secretary shall require the covered Indian tribe to take remedial action to achieve compliance.

(B) APPOINTMENT OF INDEPENDENT TRUSTEE.—If, after a reasonable period of time specified by the Secretary, a covered Indian tribe does not take remedial action under subparagraph (A), the Secretary, in consultation with the tribal governing body of the covered Indian tribe, shall appoint an independent trustee to manage the trust fund established by the tribal governing body under section 5.

#### SEC. 7. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

(a) IN GENERAL.—A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

#### SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

Not later than 1 year after the date of enactment of this Act, of the funds described in section 3, the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92-555 (25 U.S.C. 1300d-4(c)), distribute an amount equal to \$1,469,831.50 to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana [Mr. HILL] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. HILL].

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

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

Mr. HILL. Mr. Speaker, I rise in support of H.R. 976, the proposed Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997.

Mr. Speaker, I note that this legislation would distribute judgment funds to the various Indian tribes in Montana, North Dakota, and South Dakota. I also note that all the Members of the House and all the Members of the Senate from these three States are sponsoring either H.R. 976 or the identical Senate version, S. 391.

H.R. 976 would provide for the disposition of judgment funds appropriated by the Congress in 1968, plus accrued interest to pay the Mississippi Sioux Indians for 27 million acres of ancestral lands which the Indian Claims Commission ruled were taken without just compensation.

A portion of these judgment funds would be distributed to the Spirit Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine Sioux Tribe of the Fort Peck Reservation in Montana, according to a formula included in H.R. 976.

Each of the aforementioned tribes would be required to establish a trust fund for the benefit of the tribe to be used for the purposes specified in the bill. Another portion of the judgment funds, approximately \$1.47 million, would be distributed to the lineal descendants of the Sisseton and Wahpeton tribes of Sioux Indians.

In 1972, Congress passed a judgment fund distribution Act, Public Law 92-555, which allocated these judgment funds between the tribes and lineal descendants to the Mississippi Sioux Tribes. That 1972 law has spawned a series of suits which are still being litigated.

I am told that the administration refuses to negotiate a settlement to this

litigation, in spite of Public Law 102-497 passed in 1992, which authorizes the Attorney General to do so. It is time to straighten out this mess. That is why H.R. 976 is before us today. This is a fair bill, a compromise for both the tribes and the lineal descendants which should be acceptable to all.

Mr. Speaker, I recommend that H.R. 976 be passed by the House.

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

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

Mr. Speaker, the gentleman from Montana [Mr. HILL] has done a very good job in explaining this bill. I shall be very brief.

The bill, the Mississippi Sioux Tribes Judgment Fund Distribution Act, will resolve a longstanding dispute over a 1967 judgment fund award by the Indian Claims Commission to three tribes in South Dakota, North Dakota, and Montana. These tribes are the Sisseton and Wahpeton Sioux Tribes, the Spirit Lake Sioux Tribe, and the Fort Peck Sioux Tribe. I have always enjoyed working with these great nations, and I am glad to count them among my friends.

The gentleman from Montana [Mr. HILL] has done a very good job in explaining the bill. The administration has expressed some concerns with it, but I think this committee has well addressed those concerns, and I certainly would urge passage of this bill.

This bill, the Mississippi Sioux Tribes Judgment Fund Distribution Act will resolve a longstanding dispute over 1967 judgment fund award by the Indian Claims Commission to three Sioux Tribes in South Dakota, North Dakota, and Montana.

The three Sioux Tribes won their case against the United States for 27 million acres of land illegally taken from them in direct violation of their treaty rights. The three tribes are the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, and the Fort Peck Sioux Tribe. I have always enjoyed working with these grant nations and am glad to count them among my friends.

In 1972, Congress provided for the distribution of the award for the three tribes but also set aside \$1.5 million of the award for distribution to lineal descendants of Sisseton and Wahpeton Sioux Tribe. The \$1.5 million, however, was never distributed and has grown to more than \$14 million.

The tribes have historically opposed the award to the lineal descendants. Their position is that the award was based on the takings of lands from the tribes and that money should only be paid to tribal members. The Department of the Interior, however, recommended that the 1972 distribution legislation also include certain lineal descendants who were not enrolled with the tribes but were legitimate descendants of the original parties.

In the course of the past 10 years, the tribes have brought a series of lawsuits against the lineal descendants. Their claims were dismissed on a number of grounds.

In 1992, Congress passed legislation authorizing the Justice Department to conduct settlement negotiations between the tribes and the lineal descendants. The Justice Depart-

ment has never acted. At the same time, however, members of the South Dakota, North Dakota, and Montana delegations have sought to encourage settlement between the parties, despite the Justice Department's refusal to assist.

The result is that the tribes and the lineal descendants have finally reached an agreement that divides the money by giving the lineal descendants their original \$1.5 million and the three tribes the interest accrued, an amount that now stands at more than \$12.5 million. All three Sioux Tribes strongly endorse this legislation and have agreed to forego any further legal action they might take against the lineal descendants. All of the parties are supportive of the plan, including the State Delegations.

The administration, however, opposes this plan. Assistant Secretary Ada Deer testified before the House Resources Committee in June of this year expressing opposition for two reasons. First, the administration noted that the time for appeal in one of the tribes' lawsuits had not run, and thus there was an outside chance that the tribes might ultimately win their case. As I stated earlier, however, the tribes have agreed to drop any future actions if this legislation becomes law.

Second, the administration recognized that if the lineal descendants were entitled to the original \$1.5 million award, then they should get the interest. If on the other hand, they were not, then they should get nothing. Thus, they express concern that splitting the money might create a takings claim on the behalf of one of the parties. We believe, however, that Congress has the power to authorize this distribution plan and this view is supported by correspondence from the administration as well as their own testimony.

With respect to the administration's concerns that the makeup of the lineal descendants may not be fully clear at this time, the legislation today provides for a pro rata distribution, thus insuring that all participants who qualify will receive equal awards.

In sum, what we are doing is closing the books on a longstanding dispute between the three tribes and the lineal descendants, and bringing to an end the tribes' dispute with the United States. This is a sound and politically fair decision, one that is supported by all of the affected parties.

I urge my colleagues to support enactment of this legislation.

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

Mr. HILL. 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 Montana [Mr. HILL] that the House suspend the rules and pass the bill, H.R. 976, 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.

#### AGUA CALIENTE REVENUE DISTRIBUTION ACT

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 700) to remove the restriction on