

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. 700

*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 undesignated paragraph in section 3(b) of the Act entitled “An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes” approved September 21, 1959 (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 AND AGREEMENT TO MAKE PAYMENT.—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 distribution of the payment, as provided in Tribal Ordinance 22 dated August 6, 1996, to those persons referenced in Exhibit B of Tribal Ordinance 22.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Montana [Mr. HILL] and the gentleman from Michigan [Mr. KILDEE] will each be recognized for 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. Speaker, H.R. 700 would remove a revenue distribution restriction created in Public Law 86-339, a 1959 statute which related in part to the distribution of certain revenues to 85 members of the Agua Caliente Band of Cahuilla Indians.

The 1959 act exempted lands known as the Mineral Springs lots from an allotment process which had been developed to distribute the band's public lands to individual members. The Mineral Springs lots were set apart and designated as tribal reserves. Revenues generated by the Mineral Springs lots were designated in the 1959 act to be used to offset inequities in the allotments to 85 members of the band and their heirs created by the withdrawal of the Mineral Springs lots from the allotment process.

H.R. 700 would endorse a 1996 ordinance enacted by the band which would compensate those members of the band, or their heirs, entitled to a cash payment or equalization allotment in satisfaction of the requirements of the 1959 act.

The amount of the compensation for each of the 85 members, \$22,000, has been placed into escrow by the band.

The provisions of H.R. 700 will take effect on or after the date of the distribution of the aforementioned compensation to the 85 members of the band.

This is a fair and equitable bill. It will have no impact on the Federal budget, contains no intergovernmental or private sector mandates, and would impose no costs on State, local, or tribal governments.

I recommend that H.R. 700 be adopted by this body.

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

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

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

Mr. KILDEE. Mr. Speaker, this legislation will bring an end to a long-standing problem that has affected the ability of the Agua Caliente Tribe of California to govern its own sovereign tribal lands.

H.R. 700 was introduced by our colleague, the gentleman from California, Mr. SONNY BONO. His legislation will allow the Agua Caliente Tribe to compensate allottees or their heirs who currently have exclusive rights to a parcel of land that is located at the site of the tribe's casino. H.R. 700 will simply allow the tribal government to use its gaming revenues to address the social problems facing the tribal members.

Mr. Speaker, I have personally visited this reservation and I have seen this problem firsthand. I know the tribal government has worked endlessly to ensure this plan was fair and equitable. I want to applaud Chairman Richard Milanovich and the Agua Caliente Tribal Council for the hard work they have put into this bill.

I also want to thank the gentleman from California [Mr. BONO] for introducing this important bill to help the residents of his district, and I urge my colleagues to support this legislation.

Mr. BONO. Mr. Speaker, I rise in support of this bill. Along with my colleague, Congressman DALE KILDEE, I am the proud author of H.R. 700, The Agua Caliente Equalization Act.

The Agua Caliente Tribe, located in California's 44th congressional district, has been suffering a dilemma for nearly 50 years. This bill seeks to resolve this dilemma.

This legislation provides the solution to a long standing problem that the tribe has already addressed within their governmental process and structure. This body must consider this issue because, in 1959, the Federal Government imposed restrictions on how the tribe was to resolve an internal issue.

This legislation has been reviewed by both the Justice Department and the Department of the Interior, and has passed constitutional muster. The administration has raised no objections, nor do I know of any opposition within this body.

This legislation virtually mirrors H.R. 3804, which I introduced in the last Congress and was approved under suspension. Had the Senate not adjourned, this bill, which has been cleared for floor action, would have been taken up in that body.

What this bill seeks to accomplish is to recognize the exclusive rights that were provided to 85 unallotted members of the tribe to a parcel of land owned by the tribe. The tribe, from its own revenues, would make a one-time payment to these 85 nonallottees or their heirs in exchange for the tribe to utilize any future revenues derived from this parcel of land for the benefit of the entire tribe.

This bill is a result of many meetings with the tribe and my personal knowledge of the

Agua Caliente Reservation. I realize that there are many things that the tribal council need in order to assist their members. The council has informed me that they intend to provide health insurance and decent housing for their members. The council has also made commitments for both educational and employment opportunities for its members. This bill will provide the necessary mechanisms for the tribe to make these goals a reality.

The bill enjoys the overwhelming support of the tribe and the 85 affected allottees. Over 60 percent of the voting age members of the tribe have taken the time to write this committee expressing their support of this bill.

I want to commend the tribal council for its efforts to accommodate the concerns and interests of all members of the tribe. The final vote on support of this bill was unanimous by the council, illustrating the hard work and dedication of the council in addressing the needs of their tribe.

Finally, this bill reflects an agreement that the tribe and the allottees have reached themselves. As such, it reaffirms our commitment to furthering the Federal policy of self-determination and self-governance. This bill deserves the support of this body. I urge my colleagues to support this legislation.

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

Mr. HILL. 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 Montana [Mr. HILL] that the House suspend the rules and pass the bill, H.R. 700, 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. HILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 976 and H.R. 700, the bills just passed.

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

There was no objection.

NEED-BASED EDUCATIONAL AID ANTITRUST PROTECTION ACT OF 1997

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, H.R. 1866, to continue favorable treatment for need-based educational aid under the antitrust laws.

The Clerk read as follows:

Senate amendment:

Page 2, strike out lines 4 through 17 and insert:

**SEC. 2. CONTINUATION OF FAVORABLE TREATMENT FOR NEED-BASED EDUCATIONAL AID UNDER THE ANTI-TRUST LAWS.**

(a) AMENDMENTS.—Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in subsection (a)—

(A) in the heading, by striking “TEMPORARY”; and

(B) by striking paragraph (4) and and inserting the following:

“(4) to exchange through an independent third party, before awarding need-based financial aid to any of such students who is commonly admitted to the institutions of higher education involved, data submitted by the student so admitted, the student’s family, or a financial institution on behalf of the student or the student’s family relating to assets, liabilities, income, expenses, the number of family members, and the number of the student’s siblings in college, if each of such institutions of higher education is permitted to retrieve such data only once with respect to the student.”; and

(2) in subsection (d), by striking “September 30, 1997” and inserting “September 30, 2001”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately before September 30, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

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#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House concurs in the Senate amendment to H.R. 1866, the Need-Based Educational Aid Antitrust Protection Act of 1997, which I introduced last June. Mr. Speaker, I want to pause here to give special thanks to Joseph Gibson of the House Committee on the Judiciary for his good work on this legislation.

Mr. Speaker, beginning in the mid-1950’s, a number of private colleges and universities agreed to award institutional financial aid; that is, aid from the school’s own funds, solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assess each student’s need and to give essentially the same financial aid award to each of the students admitted to more than one member of the group.

From the 1950’s through the late 1980’s, the practice continued undisturbed. In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges engaging in this practice. After extensive litigation, the parties reached a final settlement in 1993.

In 1994, Congress passed a temporary exemption from the antitrust laws that basically codified the settlement. It allowed agreements to provide aid on the basis of need only; to use common prin-

ciples of needs analysis; to use a common financial aid application form; and to allow exchange of the student’s financial aid information to a third party. It also prohibited agreements on awards to specific students. It provided for this exemption to expire on September 30, 1997.

To my knowledge, there are no complaints about the existing exemption. H.R. 1866, as introduced and passed by the House, would have made the exemption passed in 1994 permanent. It would not have made any change to the substance of the exemption.

The Senate amendment provides for a 4-year extension of the exemption and makes some minor technical changes to the information-sharing provision of the exemption. I would have preferred that we pass this bill as originally introduced, particularly with respect to the permanency of the exemption.

Despite my disappointment with the other body’s shortening of the exemption, I am encouraged that they kept the provision of the original bill that struck the word “temporary” from the heading of the provision. I believe this represents an understanding that we will make the exemption permanent if no problems are reported with it during this 4-year extension. It is with that understanding that I am willing to accept the Senate amendment.

Mr. Speaker, the need-based financial aid system serves social goals that the antitrust laws do not adequately address; namely, making financial aid available to the broadest number of students solely on the basis of financial need. Without it, the schools would be required to compete, through financial aid awards, for the very top students. Those very top students would get all the aid available. That would be more than they need. The rest would get less or none at all.

Ultimately, such a system would serve to undermine the principles of need-based aid and need-blind admissions.

No student who is otherwise qualified ought to be denied the opportunity to go to the colleges involved because of the financial situation of his or her family. H.R. 1866 will help protect need-based aid and need-blind admissions and preserve that opportunity.

Mr. Speaker, I urge the House to suspend the rules and concur in the Senate amendment.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I congratulate the gentleman from Texas [Mr. SMITH], the chairman of the Subcommittee on Immigration and Claims. I agree with the legislation that the gentleman has introduced, and I share his regret that the Senate made it only a 4-year extension. There was no good reason for that.

But, Mr. Speaker, I also share the gentleman’s view that the best thing

for us to do is to concur, so we can at least keep it going. The colleges deserve to have been supported by the Federal Government, not interfered with when this first came up.

As the gentleman from Texas very accurately explained, what we are talking about here is an effort by the colleges to put their scholarship money where the need is the greatest. Absent this kind of antitrust exemption, there would be pressures on them to bid for a few students, regardless of whether or not need existed, and that would take money away in a limited-resource universe that we live in, from students in great need.

Mr. Speaker, I thought it was a serious error when the Department of Justice years ago interfered here. Congress did the right thing by stepping in to protect the right of the universities to do this. We should be making it permanent, and the gentleman from Texas has taken the lead here in a very good way. Given that the Senate did not want to go along with the permanent extension, this is the best we could do and so we should do it.

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

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. FRANK] for his comments and for his support, since the gentleman was an original cosponsor of this legislation.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion of the gentleman from Texas [Mr. SMITH] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1866.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to H.R. 1866 was concurred in.

A motion to reconsider was laid on the table.

#### SPECIAL ORDERS

The SPEAKER pro tempore. The Chair will recognize Members for special order speeches, without prejudice to the resumption of legislative business.

#### THE PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1997

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 7, 1997, the gentleman from California [Mr. HORN] is recognized for 60 minutes as the designee of the majority leader.

Mr. HORN. Mr. Speaker, I rise to speak on a bill that will improve the financial operations of the White House.

Last Thursday the Subcommittee on Government Management, Information, and Technology, which I chair,