

Agua Caliente (Palm Springs) Reservation in California, and for other purposes', approved September 21, 1959, commonly known as the 'Agua Caliente Equalization Act of 1959' (25 U.S.C. 957) is deemed to have been completed.

"(b) EXPIRATION OF ENTITLEMENT.—By reason of the achievement of the full equalization of allotments described in subsection (a), the entitlement of holders of equalized allotments to distribution of net revenues from parcel B under 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, commonly known as the 'Agua Caliente Equalization Act of 1959' (25 U.S.C. 953(b)) shall be deemed to have expired.

"SEC. 4. REMOVAL OF RESTRICTION.

"(a) IN GENERAL.—[Amended section 953(b) of this title.]

"(b) APPLICABILITY.—The amendment made by subsection (a) shall apply as if this section had been enacted on March 31, 1983.

"(c) SUBSEQUENT DISTRIBUTIONS.—Any per capita distribution of tribal revenues of the Band made after the date of enactment of this Act [Oct. 30, 1998] shall be made to all members of the Band in equal amounts."

**§ 952. Members entitled to allotment; prohibition against further allotments**

Any member of the Agua Caliente Band (hereinafter called the "band") who is living on September 21, 1959, and who has not received an allotment of land shall be given an allotment in accordance with the provisions of law existing prior to this Act. No further allotments of land shall thereafter be made to any other or future born members of the band, or to their heirs or devisees, except for the purpose of equalization. This prohibition against further allotments shall not be construed as a closing of the band's membership rolls.

(Pub. L. 86-339, § 2, Sept. 21, 1959, 73 Stat. 602.)

REFERENCES IN TEXT

The words "prior to this Act", referred to in text, mean prior to enactment of Act Sept. 21, 1959, Pub. L. 86-339.

**§ 953. Lands**

**(a) Determination of value of unallotted and allotted lands; exclusion of deceased allottees' allotments**

The Secretary shall determine on the basis of the contract appraisals that were made in 1957 and 1958 (1) the value of all unallotted tribal land, and (2) the value of the allotment of each allottee who is living on September 21, 1959, excluding the value of any improvements thereon. Where lands of a living allottee have been sold under the supervision of the Secretary, their value for the purpose of equalization shall be the amount received from such sale, excluding the value assigned to any improvements thereon. Where lands of a living allottee have been fee patented to and sold by the allottee, their value for the purpose of equalization shall be the appraised value of the lands, excluding improvements, as of the time of the sale, regardless of the amount received from the sale. The allotments of allottees who are not living on September 21, 1959 shall be excluded from the equalization program. All values so determined by the

Secretary shall be final and conclusive for the purposes of this subchapter.

**(b) Lands not subject to allotment**

In no event shall the following tribal lands be subject to allotment, and they shall henceforth be set apart and designated as tribal reserves for the benefit and use of the band:

Cemetery numbered 1, block 235, section 14, township 4 south, range 4 east.

Cemetery numbered 2, as now constituted pursuant to secretarial order, comprising approximately two acres.

Roman Catholic Church, as now constituted pursuant to secretarial order, comprising approximately two acres.

Mineral Springs, lots 3a, 4a, 13, and 14, section 14, township 4 south, range 4 east.

San Andreas Canyon, west half southeast quarter, southeast quarter southeast quarter section 3, township 5 south, range 4 east.

Palm Canyon, south half and south half north half section 14, township 5 south, range 4 east; all section 24, township 5 south, range 4 east.

Tahquitz Canyon, southwest quarter section 22, township 4 south, range 4 east; north half section 28, township 4 south, range 4 east.

Murray Canyon, east half section 10, township 5 south, range 4 east.

**(c) Equalization for living members by allotment without regard to acreage limitations; creation of right by selection and approval; allotments made subject to laws and regulations**

On the basis of such values, the Secretary shall determine the highest level of equalization that is feasible for the members of the band who are living at the time of this Act by allotting all of the unallotted tribal land, except the reserved areas listed in subsection (b) of this section, without regard to acreage limitations heretofore imposed by law. Such unallotted tribal land shall then be allotted to those members who have received allotments with a value that is less than the equalization figure deemed feasible in accordance with procedures prescribed by the Secretary. No selection of an allotment pursuant to such procedures shall create a vested right in the land until all selections authorized by this subchapter have been made, included in one schedule, and approved by the Secretary. Allotments thereafter made shall be subject to the same laws and regulations that apply to other trust allotments on the Agua Caliente Reservation.

**(d) Portions in airport subject to allotment unless sold; procedure for sale; payment of sale proceeds in lieu of allotment**

The unallotted portions of section 18, township 4 south, range 5 east, and section 12, township 4 south, range 4 east, that are in the municipal airport for the city of Palm Springs shall be subject to allotment as a part of the equalization program, subject to the following qualifications: If within thirty days after September 21, 1959, a majority of the adult members of the band who are eligible to vote agree, the Secretary may offer to sell such land to the city for its appraised value on September 21, 1959, and the Secretary shall cause an independent appraisal