

the non-Indian communities of Vista and Escondido have continued to enjoy the use of low-cost, local water to which the Bands have a claim, the Bands have had the benefit of neither water nor funding for economic development as provided for by the settlement. Under these circumstances, the House Committee on Resources has found that the Bands' request for a one-time, partial disbursement of interest earned on the Development Fund that was establishment for their benefit is reasonable and appropriate. The other settlement parties, including the Department of the Interior, have informed the Committee of their support for the Band's request.

The San Luis Rey Tribal Development Fund was capitalized with approximately \$32,000,000 appropriated by the Congress in 1989 by Public Law 101-121. The Fund has since grown to more than \$52,000,000. With the distribution authorized by this section, the Fund will retain a balance of more than \$44,000,000, which will continue to accrue interest and remain an incentive to the Bands to see the settlement through to full and final implementation.

The Committee on Resources expects that the factors that have prolonged fulfillment of the requirements of the settlement will not persist indefinitely. Accordingly, the Committee urges the Secretary to use the full measure of his authority to secure the acquisition of the supplemental water supply required by the Settlement Act at a cost that will enable its economical use for the benefit of the Bands and the complete implementation of the San Luis Rey Indian Water Rights Settlement.

The Committee on Resources recognizes that the Act's dual command that the Department arrange to obtain or develop not more than 16,000 acre feet per year of supplemental water, without bearing any development costs, has been a major impediment to finalizing the settlement. Nevertheless, the Committee does not agree that these requirements support an interpretation of the Act that the Tribal Development Trust Fund, which was established for the exclusive use of the Indian Water Authority on behalf of the Bands, is an appropriate source of funds to finance the delivery of water to the Bands.

Section 107(b)(4) of the Settlement Act states that all funds of the Indian Water Authority that are not required for administrative or operational expenses of the Authority or to fulfill obligations of the Authority (emphasis added) under the title, the Act or any other agreement entered into by the Authority, shall be invested or used for economic development of the Bands, the Bands' reservation lands, and their members. The Act places the obligation to arrange for the development and delivery water for the Bands squarely on the Secretary, not on the Bands. To suggest that the Tribal Development Trust Fund should be used to acquire or deliver water to the Bands is to suggest that the Bands use their own money to fulfill the Secretary's obligation to them. This suggestion is inconsistent with the content of the Act. If additional authority or funding is needed to carry out the intent of the Act, then the Department should consider submitting an appropriate request to the Congress.

Mr. REDMOND. Mr. Speaker, H.R. 4068, the Native American technical corrections bill, contains two important amendments in Section 10 of the bill. Section 10 of H.R. 4068 would

amend a section of, and add a new section to, the 1992 Jicarilla Apache Tribe Water Rights Settlement Act (Act of October 23, 1992, Pub. L. No. 102-441, 106 Stat. 2237) ("Settlement Act").

By the terms of the Settlement Act, the Jicarilla Apache Tribe may not access its "future use" water or a six million dollar water resources development fund until two partial final decrees have been entered, adjudicating the Tribe's historic and existing water rights in two stream system in New Mexico. The current statutory deadline for entry of these two decrees is December 31, 1998. See Pub. L. No. 104-261 § 2, 110 Stat. 3176 (1996). If the deadline is not met, these monies, which have already been appropriated, will be returned to the general treasury.

One amendment outlined in Section 10(b) of H.R. 4068 would add a new section 12 to the Settlement Act to provide Congressional approval of an October 7, 1997, Stipulation and Settlement Agreement between the Jicarilla Apache Tribe, the Asociación de Acéquias Norteñas de Rio Arriba, and certain other parties to the Rio Chama general stream adjudication, *State of New Mexico ex rel. State Engineer v. Aragon*, No. CIV-7941 JC. This settlement agreement has been approved by the Federal district court, but the parties to the agreement are seeking Congressional approval as an extra measure.

This settlement agreement provides for the future transfer of certain water rights from the Tribe to the Acéquias Norteñas. These water rights were perfected under state law prior to the Tribe's acquisition of a ranch from private parties in the 1980s. That land was proclaimed part of the Tribe's reservation in 1988. This agreement does not alter significantly the water rights the Tribe will receive under the Settlement Act, but still provides a fair and reasonable settlement of the concerns expressed by the Acéquias Norteñas. Because the Tribe was able to settle its differences with these and other acequias in the basin, there was no need for a trial on any of the objections filed to the Tribe's proposed Rio Chama decree. This decree was approved by the Federal district court on April 6, 1998.

However, for a host of reasons entirely outside of the Jicarilla Apache Tribe's control, the other decree required by the Settlement Act, which confirms the Tribe's water rights in the San Juan River general stream adjudication, *State of New Mexico v. United States of America, et al., v. Jicarilla Apache Tribe*, No. 75-184-1 (11th Jud. Dist. NM), has taken far longer to complete than either the United States Departments of Justice and Interior or the Jicarilla Apache Tribe had anticipated. For this reason, an additional amendment to the Settlement Act, outlined in H.R. 4068, is necessary.

Section 10(a) of H.R. 4068 authorizes a two-year extension of the 1998 statutory deadline by which this last decree must be entered in the San Juan River adjudication. The parties are well along in the litigation, and the United States, the State, and the Tribe are actively trying to negotiate a resolution to the objections that have been filed to the decree. This is the final hurdle to conclude implementation of the Settlement Act, and although the parties are close to conclusion, there is no way for the Tribe to know whether the court will actually enter the decree before the December 31st deadline.

The delays to date have not been the fault of the Jicarilla Apache Tribe. Indeed, the Tribe has acted in good faith to fulfill the requirements of the Settlement Act. Therefore, the Tribe should not be penalized with the loss of six million dollars, which could potentially jeopardize the entire settlement. There is no justifiable reason to allow the statutory deadline to expire without an extension, especially when final settlement is so near. The Department of the Interior supports this extension, and the amendment to sanction the settlement between the Tribe and the acequias, because the Administration believes, as I do, that settlement is in the best interest of all water users in these two basins in New Mexico.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4068, 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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and include extraneous material on H.R. 4068, the bill just passed.

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

There was no objection.

#### SENSE OF THE HOUSE WITH RESPECT TO IMPORTANCE OF DIPLOMATIC RELATIONS WITH PACIFIC ISLAND NATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 505) expressing the sense of the House of Representatives with respect to the importance of diplomatic relations with the Pacific Island Nations.

The Clerk read as follows:

H. RES. 505

Whereas the South Pacific region covers an immense area of the earth, approximately 3 times the size of the contiguous United States;

Whereas the United States seeks to maintain strong and enduring economic, political, and strategic ties with the Pacific island countries of the region, despite the reduced diplomatic presence of the United States in the region since World War II;

Whereas Pacific island nations wield control over vast tracts of the ocean, including seabed minerals, fishing rights, and other marine resources which will play a major role in the future of the global economy;

Whereas access to these valuable resources will be vital in maintaining the position of