

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3254) TO APPROVE THE TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT AGREEMENT, AND FOR OTHER PURPOSES; FOR CONSIDERATION OF THE BILL (H.R. 3342) TO AUTHORIZE THE SECRETARY OF THE INTERIOR, ACTING THROUGH THE COMMISSIONER OF RECLAMATION, TO DEVELOP WATER INFRASTRUCTURE IN THE RIO GRANDE BASIN, AND TO APPROVE THE SETTLEMENT OF THE WATER RIGHTS CLAIMS OF THE PUEBLOS OF NAMBE, POJOAQUE, SAN ILDEFONSO, AND TESUQUE; AND FOR CONSIDERATION OF THE BILL (H.R. 1065) TO RESOLVE WATER RIGHTS CLAIMS OF THE WHITE MOUNTAIN APACHE TRIBE IN THE STATE OF ARIZONA, AND FOR OTHER PURPOSES

JANUARY 19, 2010.—Referred to the House Calendar and ordered to be printed

Mr. MCGOVERN, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1017]

The Committee on Rules, having had under consideration House Resolution 1017, by a nonrecord vote report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3254, the Taos Pueblo Indian Water Rights Settlement Act, under a structured rule. The resolution provides one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill except clauses 9 or 10 of rule XXI. The resolution provides that the committee amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as adopted and that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution makes in order only the further amendment printed in part A of this report if offered by Representative McClintock or his designee which shall be in order without intervention of any point of order except clauses 9 and 10 of rule XXI, which shall be considered as read, shall be separately

debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The resolution provides one motion to recommit H.R. 3254 with or without instructions.

The resolution also provides for consideration of H.R. 3342, the Aamodt Litigation Settlement Act, under a structured rule. The resolution provides one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill except clauses 9 or 10 of rule XXI. The resolution provides that the committee amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as adopted and that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution makes in order only the further amendment printed in part B of this report if offered by Representative McClintock or his designee which shall be in order without intervention of any point of order except clauses 9 and 10 of rule XXI, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The resolution provides one motion to recommit H.R. 3342 with or without instructions.

The resolution further provides for consideration of H.R. 1065, the White Mountain Apache Tribe Water Rights Quantification Act of 2009, under a structured rule. The resolution provides one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill except clauses 9 or 10 of rule XXI. The resolution provides that the committee amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, modified by the amendment printed in part C of this report shall be considered as adopted and provides that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution makes in order only the further amendment printed in part D of this report if offered by Representative McClintock or his designee which shall be in order without intervention of any point of order except clauses 9 and 10 of rule XXI, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. Finally the resolution provides one motion to recommit H.R. 1065 with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H.R. 3254 (except for those arising under clauses 9 and 10 of rule XXI) and against provisions of the bill, as amended, the Com-

mittee is not aware of any points of order. The waivers of all points of order are prophylactic.

Although the rule waives all points of order against consideration of H.R. 3342 (except for those arising under clauses 9 and 10 of rule XXI) and against provisions of the bill, as amended, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

Although the rule waives all points of order against consideration of H.R. 1065 (except for those arising under clauses 9 and 10 of rule XXI) and against provisions of the bill, as amended, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

SUMMARY OF AMENDMENT IN PART A TO BE MADE IN ORDER FOR
H.R. 3254

Prevents the bill from taking effect until the Attorney General has submitted a formal written response to Congress that the proposed Indian water rights settlement represents a net benefit to the U.S. based on the costs and risks of litigation and the odds that the Taos Pueblo Tribe would prevail in the litigation.

SUMMARY OF AMENDMENT IN PART B TO BE MADE IN ORDER FOR
H.R. 3342

Prevents the bill from taking effect until the Attorney General has submitted a formal written response to Congress that the proposed Indian water rights settlement represents a net benefit to the U.S. based on the costs and risks of litigation and the odds that the Pueblo Tribe would prevail in the litigation.

SUMMARY OF AMENDMENT IN PART C TO BE CONSIDERED AS ADOPTED
FOR H.R. 1065

The amendment will make the bill PAYGO compliant.

SUMMARY OF AMENDMENT IN PART D TO BE MADE IN ORDER FOR
H.R. 1065

Prevents the bill from taking effect until the Attorney General has submitted a formal written response to Congress that the proposed Indian water rights settlement represents a net benefit to the U.S. based on the costs and risks of litigation and the odds that the White Mountain Apache Tribe would prevail in the litigation.

PART A—TEXT OF AMENDMENT TO BE MADE IN ORDER FOR H.R. 3254

At the end of the bill, add the following new section:

SEC. ____ . EFFECTIVE DATE.

This Act shall not take effect until the Attorney General has submitted a formal written response to Congress that the Indian water rights settlement proposed in this Act represents a net benefit to the United States, based on the costs and risks of litigation and the odds that the Taos Pueblo would prevail in the litigation.

PART B—TEXT OF AMENDMENT TO BE MADE IN ORDER FOR H.R. 3342

At the end of the bill, add the following new section:

SEC. . EFFECTIVE DATE.

This Act shall not take effect until the Attorney General has submitted a formal written response to Congress that the Indian water rights settlement proposed in this Act represents a net benefit to the United States, based on the costs and risks of litigation and the odds that the Pueblo would prevail in the litigation.

PART C—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED FOR
H.R. 1065

Page 40, line 21, strike “October 31, 2015” and insert “April 30, 2020”.

Page 43, strike lines 1 through 4 and insert the following:

- (1) the amounts made available under subsection (e);
- (2) the amounts appropriated to the subaccount pursuant to subsections (a) and (d) of section 12, as applicable; and
- (3) such other amounts as are available includ-

Page 46, strike lines 1 through 6 and insert the following:

(2) INVESTMENT.—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) USE OF INTEREST.—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the later of—

- (A) November 1, 2019; and
- (B) the enforceability date.

(e) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—

(1) IN GENERAL.—Of amounts in the Lower Colorado River Basin Development Fund made available under section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)), an amount equal to the difference between the balance of the White Mountain Apache Tribe Settlement Subaccount (as of November 1, 2019), and the amount authorized to be appropriated under section 12(a)(1), but not to exceed \$100,000,000, shall be deposited, without further appropriation, in the White Mountain Apache Tribe Settlement Subaccount.

(2) AVAILABILITY OF FUNDS.—The funds authorized to be deposited in the White Mountain Apache Tribe Settlement Subaccount pursuant to paragraph (1) shall not be available for expenditure or withdrawal until the later of—

- (A) November 1, 2019; and
- (B) the enforceability date.

Page 51, strike line 17 and insert the following: “is amended by striking ‘January 1, 2013’ and inserting ‘May 1, 2020’”.

Page 52, delete lines 17 through 23 and insert the following: “be known as the ‘WMAT Settlement Fund’, consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).”.

Page 58, strike lines 13 through 15 “that, on an annual basis, the deadline described in section 9(d)(2) is not likely to be met because the amount authorized by subsection (a) has not been ap-” and insert “that, on an annual basis, the amount authorized to be appropriated under subsection (a) will not be ap-”.

Page 58, line 17, insert “by October 31, 2012” after “Subaccount”.
Page 59, lines 10 and 11, strike “January 1, 2021” and insert
“November 1, 2019, or the enforceability date, whichever is later”.
Page 60, line 10, strike “December 31, 2020” and insert “November
1, 2019”.

Page 60, strike lines 24 and 25 and insert the following: “not
later than April 30, 2020—

(1) effective beginning on May 1, 2020—”.

PART D—TEXT OF AMENDMENT TO BE MADE IN ORDER FOR H.R. 1065

At the end of the bill, add the following new section:

SEC. ____ . EFFECTIVE DATE.

This Act shall not take effect until the Attorney General has sub-
mitted a formal written response to Congress that the Indian water
rights settlement proposed in this Act represents a net benefit to
the United States, based on the costs and risks of litigation and the
odds that the White Mountain Apache Tribe would prevail in the
litigation.