The Speaker of the House and the Majority Leader of the House, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever in their opinion, the public interest shall warrant it.

The Clerk of the House and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

The Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

The concurrent resolution was agreed to. A motion to reconsider was laid on the table.

APPOINTMENT DAY FOR THE CONVENING OF THE SECOND SESSION OF THE 106TH CONGRESS

Mr. ARMLEY. Mr. Speaker, I offer a joint resolution (H.J. Res. 85), and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. Res. 85
Resolved, That a committee of two Members of the House be appointed by the Speaker to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to. A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 395, the Chair appoints the following Members of the House to the committee to notify the President, the gentleman from Texas (Mr. ARMLEY), and the gentleman from Missouri (Mr. GEFHARDT).

PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on November 17, 1999, on rollcall votes 596 and 597, I am recorded as not voting. I am happy to announce that I was present at the birth of my first grandchild, Nicholas William Shanning. Had I been present for votes, I would have voted “aye” on rollcall 596 and “no” on rollcall vote 597.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

SEC. 1. DAY FOR CONVENING OF SECOND SESSION OF ONE HUNDRED SIXTH CONGRESS.

The second regular session of the One Hundred Sixth Congress shall begin on Monday, January 24, 2000.

SEC. 2. ADDITIONAL SESSION PRIOR TO CONVENING.

If the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, determine that it is in the public interest for the Members of the House of Representatives and the Senate to reassemble prior to the adjournment of the second regular session of the One Hundred Sixth Congress as provided in section 1—

(1) the Speaker and Majority Leader shall so notify their respective Members; and

(2) Congress shall reassemble at noon on the second day after the Members are so notified.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The Speaker of the House and the Majority Leader of the House, acting jointly after consultation with the Minority Leader of the House, the majority leader, and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

CHIPEWA CREE TRIBE OF THE ROCKY BOY’S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT AND WATER SUPPLY ENHANCEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate bill (S. 438), a companion bill to H.R. 795, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy’s Reservation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, if the gentleman would take a moment to explain the bill.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, last month the House passed H.R. 795, the Rocky Boy’s Water Rights Settlement Act. Today we have before us S. 438, a companion bill to H.R. 795. The only difference between these bills is a small change regarding the treatment of tribal water rights off reservation. This change has been agreed upon by all parties involved in the legislation. The Rocky Boy’s Water Rights Settlement Act process has been important for a number of reasons. I congratulate the gentleman from Montana (Mr. Hill). In the State of Montana, the tribe has spent a good deal of time working on the issues in a constructive fashion, taking steps to minimize the impact on other affected water users.

Furthermore, there has been minimal emphasis on some of the outmoded basis that calculate in Federal reserve Indian water right claims. This process has allowed the parties to look to new, more flexible negotiations that find the solutions which provide tribes with real opportunities without making demands that may destroy the economic livelihood of existing water users.

In addition, this process has brought new solutions, introduced private sector expertise into the tribe’s efforts to utilize the water supplies once the settlement is authorized.
By approaching these water rights settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and basis for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of a broader economy. It is the intention of this settlement to help the tribe reach this goal of self-determination, and I urge my colleagues to support the legislation.

Mr. SAXTON. Mr. Speaker, last month, the House passed H.R. 795, the Rocky Boys Water Rights Settlement Act, and before us S. 438, a companion bill to H.R. 795. The only difference between these two bills is a small change regarding the treatment of tribal water rights off reservation. This change has been agreed upon by all the parties involved in the legislation.

The Rocky Boys water right settlement process has been important for a number of reasons. Congressman Hill, the State of Montana and the Tribe have spent a good deal of time working through the issues in a constructive fashion, taking steps to minimize the impact on other affected water users. Furthermore, there has been minimal emphasis on some of the outmoded bases for calculating Federal reserved Indian water right claims. This process has allowed the parties to look to newer, more flexible negotiations that find solutions which provide tribes with real opportunities without making demands that may destroy the economic livelihood of existing water users. Additionally, this process has brought new solutions and introduced private sector expertise into the tribes efforts to utilize these water supplies once the settlement is authorized.

By approaching these Indian water right settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and bases for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of the broader economy. It is the intention that this settlement will help the tribe reach their goal of self-determination.

I urge my colleagues to support the legislation.

Mr. HILL of Montana. Mr. Speaker, I rise in strong support of S. 438, the Chippewa Cree Tribe Water Rights Settlement Act, introduced by Senator CONRAD BURNS.

I am the sponsor of the House companion to this bill which passed the House on October 18th. I wish to express my appreciation to the Chippewa Chippewa Tribal leader, Leland OOKLITLLE and his staff Bob Faber and Josh Johnson for their tireless efforts to work with all parties involved to move this important piece of legislation.

This is truly a historic day. This bill is the culmination of many years of technical and legal work and many years of negotiations involving the Chippewa Cree Nation while the State of Montana, and representatives of the United States Departments of the Interior and Justice.

The bill will ratify a settlement quantifying the water rights of the Tribe and providing for their development in a manner that will help the Chippewa Cree Nation while helping their neighbors, local communities, farmers and ranchers.

It provides Federal funds construction of water supply facilities and for Tribal economic development, and defines the Federal Government’s role in implementing the settlement.

This Settlement bill has the full support of the Tribe, the State of Montana, the Department of Justice and the Department of the Interior, the Administration, and the water users who farm and ranch on streams shared with the Reservation.

The bill will effectuate a settlement that is a textbook example of how State, Tribal, and Federal governments can work together to resolve differences in a way that meets the concerns of all.

It is also a settlement that reflects the effectiveness of Tribal and non-Tribal water users in working together in good will and good faith with respect for each other’s needs and concerns.

It is not an overstatement to say that the Chippewa Cree Tribe of the Rocky Boys Reservation Indian Reserved Water Rights Settlement Act is a historic agreement. This is truly a great occasion for all of those who have worked so hard to get us to this point.

I again want to thank Chairman DOOLITTLE, Chairman YOUNG, and the House leadership for scheduling this bill today. I also want to thank Congressman KLIDEE for his cosponsorship and help in moving this bill forward.

I urge the adoption of S. 438.

Mr. KLIDEE. Mr. Speaker, I am pleased that the House will consider S. 438, a bill that would implement the settlement of the water rights of the Chippewa Cree Tribe of Montana. I am a cosponsor of a similar bill passed by the House earlier this year. This bill marks the 16th Indian water settlement presented to Congress in 10 years. I recall a time when in the late 1980s and early 1990s Congress regularly sanctioned and implemented state/tribal water agreements. I am encouraged by the resolution (No. 98–029) from the National Governors’ Association endorsing the policy of negotiating Indian water rights settlements.

During a recent hearing before the Water and Power Subcommittee, Representative RICK HILL, sponsor of the bill, described this settlement as a textbook example of how state and tribal governments can work together with off-reservation local ranchers and farmers to resolve their differences. I concur with that characterization of this bill. I want to commend the state of Montana and the Tribe for working almost 15 years to reach an agreement. It is my understanding that the parties went sub-basin by sub-basin and even farm by farm until they had resolved the concerns of all affected parties. I also want to commend the Interior and Justice Departments—particularly Interior’s Acting Deputy Secretary, David Hayes—for the role he and his colleagues played in reaching this accord.

Of the things I have learned over the years is that we must defer to the wishes of the tribes and states that bring these settlements to us. We all will have a tendency to want to micro-manage legislation of this nature and contend that it is precedential one way or another. But history has proved that that is really not the case. A settlement in Montana may have little to do with the status of negotiations in New Mexico. While instream flows for fishery habitat may be vital to a tribe in the Pacific Northwest, it may have little application in Arizona. I say this because I have heard that certain members of the Senate who are not from Montana are examining this bill to determine if it is consistent with the laws of their state. Mr. Speaker, if a negotiated settlement in a given state had to be consistent with the law and policies of every one of the other 49 states, or even just the western states, we would never have another Indian water rights settlement. So again, I hope we can agree that the individual States, Tribes and the Federal government must be given great deference in negotiating settlements that are consistent with the laws and policies of the given State and Tribe and which do not violate federal law.

Finally, I say to my colleagues that we and the Administration must ensure that funds are made available to implement the Chippewa Cree/Montana settlement. We must do so in a manner that does not take funds away from basic ongoing tribal programs. We must reexamine the idea of creating a permanent settlement fund for these types of State/Tribal agreements that is comparable to the Justice Department’s settlement fund and which is not scored against the BIA’s allocations. Again, my congratulations to the Chippewa Cree Tribe of the Rocky Boy’s Reservation, to the state of Montana, and to the members of the Federal Negotiating Team that helped bring this to fruition.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 438

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 "Chippewa Cree Tribe of The Rocky Boy’s Reservation Indian Reserved Water Rights Settlement Act and Water Supply Enhancement Act of 1999".

SECTION 2. FINDINGS. — Congress finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self-sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy’s Reservation was established as a homeland for the Chippewa Creek Tribe;

(3) adequate water for the Chippewa Creek Tribe of the Rocky Boy’s Reservation is important to a permanent, sustainable, and
sovereign homeland for the Tribe and its members; (4) the sovereignty of the Chippewa Cree Tribe and the economy of the Reservation depend on the development of the water resources of the Reservation; (5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Creek-Montana Water Rights Compact; (6) the Rocky Boy’s Reservation is located in a water-short area of Montana and it is appropriate that the Act provide funding for the development of additional water supplies, including domestic water, to meet the needs of the Chippewa Creek Tribe; (7) procedures to determine the full extent of the water rights of the Chippewa Creek Tribe are currently pending before the Montana Supreme Court, a part of the In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana; (8) the real and potential resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water for the economic and other long-term economic planning and development of all parties, the Chippewa Creek Tribe and the State of Montana entered into the Compact on April 14, 1997, and (9) the allocation of water resources from the Tiber Reservoir to the Chippewa Creek Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the area and situation involved.

SEC. 3. PURPOSES.

The purposes of this Act are as follows: (1) To achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for: (A) the Chippewa Creek Tribe; and (B) the United States for the benefit of the Chippewa Creek Tribe, (2) To approve, ratify and confirm, as modified in this Act, the Chippewa Creek-Montana Water Rights Compact entered into by the Bureau of Reclamation, the Rocky Boy’s Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorizing necessary for the implementation of this Act, (3) To authorize the Secretary of the Interior to execute and implement the Compact forth in Title II of this Act, (4) To authorize Federal feasibility studies for water supply and development projects to enhance, through conservation and other mechanisms to enhance, through conservation, social, and economic development of the area and situation involved, and (5) To authorize certain projects on the Rocky Boy’s Indian Reservation, Montana, in order to implement the Compact.

To authorize certain modifications to the purposes and operation of the Bureau of Reclamation and the State of Montana with respect to the Lake Eielson on the Marias River in Montana in order to provide the Tribe with an allocation of water from Tiber Reservoir.

To authorize the appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

In this Act:


(3) FINAL.—The term “final” with reference to approval of the decree in section 85–2–235 of the Montana Code Annotated (1997).

(4) FUND.—The term “Fund” means the Chippewa Creek-Montana Water Rights Settlement Fund established under section 104.

(5) IN GENERAL.—The term “Tribe” means the Chippewa Cree Indian Reservation, the water right set forth in section 85–20–601 of the Montana Code Annotated (1997).

(6) MR&I FEASIBILITY STUDY.—The term “MR&I feasibility study” means a municipal, rural, and industrial, domestic, and incidental drought relief feasibility study described in section 3.

(7) MISSOURI RIVER SYSTEM.—The term “Missouri River System” means the mainstem of the Missouri River and its tributaries, including the Marias River.

(8) RECLAMATION LAW.—The term “Reclamation Law” has the meaning given in section 4 of the Reclamation Act of 1902 (43 Stat. 916, chapter 4; 43 U.S.C. 371).

(9) ROCKY BOY’S RESERVATION; RESERVATION.—The term “Rocky Boy’s Reservation” or “Reservation” means the Rocky Boy’s Reservation of the Chippewa Creek Tribe in Montana.

(10) SECRETARY.—The term “Secretary” means the Secretary of the Interior, or his or her duly authorized representative.

(11) TOWE PONDS.—The term “Towe Ponds” means the reservoir or reservoirs referred to as “Towe Ponds” in paragraph (2) against the United States, the validity of which are not recognized by the United States, except that—

(A) the waiver and release of claims referred to in paragraph (1) are as follows:

(1) Any and all claims to water rights (including water rights in surface water, ground water, and effluent), claims for injuries to water rights, claims for loss or deprivation of water rights, failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(B) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(C) In the event the waiver and release do not become effective as set forth in paragraph (1)—

(A) the United States shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to section 104, and any interest accrued thereon up to the date of setoff and (B) the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(D) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the rights of any Indian tribe other than the Chippewa Creek Tribe.

(E) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

SEC. 5. MISCELLANEOUS PROVISIONS.

(1) GENERAL.—Pursuant to Tribal Resolution No. 48–98, and in exchange for benefits under this Act, the Tribe shall, on the date of enactment of this Act, execute a waiver and release of the claims described in paragraph (1) against the United States, the validity of which are not recognized by the United States, except that—

(A) the waiver and release of claims shall not become effective until the appropriation of the funds authorized in section 105, the water allocation in section 201, and the appropriate of funds for the MR&I feasibility study authorized in section 204 has been completed and the decree has become final in accordance with the requirements of section 101(b); and

(B) in the event the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the waiver and release of claims shall become null and void.

(2) CLAIMS DESCRIBED.—The claims referred to in paragraph (1) are as follows:

(A) Any and all claims to water rights (including water rights in surface water, ground water, and effluent), claims for injuries to water rights, claims for loss or deprivation of water rights, failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(B) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(C) In the event the waiver and release do not become effective as set forth in paragraph (1)—

(A) the United States shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to section 104, and any interest accrued thereon up to the date of setoff and (B) the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(D) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the rights of any Indian tribe other than the Chippewa Creek Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
SEC. 101. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) Water Rights Compact Approved.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act—

(1) the Compact, entered into by the Chippewa Cree Tribe of the Rocky Boy’s Reservation and the State of Montana, on April 14, 1997, is hereby approved, ratified, and confirmed; and

(2) the Secretary shall—

(A) execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act; and

(B) take such other actions as are necessary to implement the Compact.

(b) Approval of Decree.—

(1) ENTRY OF DECREE.—Not later than 180 days after the date of enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the decree agreed to by the United States, the Tribe, and the State of Montana attached as Appendix I to the Compact, or any amended version thereof agreed to by the United States, the Tribe, and the State of Montana.

(2) RESORT TO THE FEDERAL DISTRICT COURT.—In event the Montana Water Court fails to act, or any appeal therefrom is denied, the United States, the Tribe, and the State of Montana may seek judicial review in the United States District Court for the State of Montana pursuant to Article IV.A.4 of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(3) TEMPORARY TRANSFER OF TRIBAL WATER RIGHT.—The Tribe may, with the approval of the Secretary and the approval of the State of Montana pursuant to Article IV.A.4 of the Compact, transfer any or all portion of the Tribal water right for use of the Reservation by service contract, lease, exchange, or other agreement. No service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Tribal water right.

The enactment of this subsection shall constitute a plenary exercise of the powers set forth in Article I, section 8(3) of the United States Constitution and is statutory law of the United States within the meaning of Article I, section 8(3) of the United States Constitution and (b)(1)(A) of section 5 and section 105(e)(1), the 1996 Federal Land Policy and Management Act, or any other provision of Federal law that may authorize the transfer of water rights.

(c) ACT NOT PRECEDENTIAL.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

TITLE I—CHIEF DREW INDIAN RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT

SEC. 103. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) Water Development Projects.—The Secretary of Reclamation, in accordance with this Act, shall establish a trust fund to fulfill the purposes of this Act, subject to the requirements of the plans set forth in paragraphs (2) and (3) of subsection (b), and such other amounts as may be transferred or credited to the Fund.

(b) Management of Fund.—The Secretary shall manage and invest the principal and such other amounts, and shall allocate appropriations to the various accounts as required in this Act:

(1) IN GENERAL.—(A) The Tribal Compact Administration Account.

(B) The Economic Development Account.

(C) The Future Water Supply Facilities Account.

(2) FUND MANAGEMENT.—The Secretary shall—

(A) Administer and Enforce.—As provided in the Compact, until the adoption and approval of a tribal water code by the Tribe, the Secretary shall administer and enforce the Tribal Water Right.

(B) Tribal Member Entitlement.—

(i) IN GENERAL.—Any entitlement to Federal reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions of the Compact.

(ii) ADMINISTRATION.—An entitlement described in paragraph (1) shall be administered by the Secretary pursuant to subsection (a); and

(b) Tribe.—Payments referred to in paragraph (1) shall become effective when the Tribe exercises its right under subsection (b).
(1) Except for $400,000 necessary for capital expenditure associated with Tribal Compact Administration, only interest accrued on the Tribal Compact Administration Account referred to in subsection (a)(5)(A) shall be available to the Tribe for expenditure pursuant to a water supply plan approved by the Secretary.

(2) DEDICATING FUNDS.—

(A) APPLICABLE LAWS.—The Secretary shall invest amounts in the Fund in accordance with—

(i) the Act of April 1, 1880 (21 Stat. 70, chapter 41; 25 U.S.C. 161);

(ii) the first section of the Act entitled "An Act to authorize the payment of interest on funds held in trust by the United States for Indian tribes", approved February 12, 1929 (25 U.S.C. 161a); and

(iii) the first section of the Act entitled "An Act to authorize the deposit and investment of Indian funds", approved June 24, 1938 (25 U.S.C. 162a).

(B) CREDITING OF AMOUNTS TO THE FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations of the United States held in the Fund shall be credited to and form part of the Fund. The Secretary of the Treasury shall credit to each of the accounts contained in the Fund a proportionate amount of that interest and proceeds.

(3) GENERAL WITHDRAWALS.—

(A) IN GENERAL.—Amounts withdrawn from the Fund and deposited in a private financial institution pursuant to a withdrawal plan approved by the Secretary may be invested by an appropriate official under that plan.

(B) DISPOSAL OF INTEREST AND PROCEEDS.—The Secretary, and the proceeds from the sale or redemption of, any obligations held under this paragraph shall be deposited in the private financial institution referred to in subparagraph (A) in the fund established pursuant to the withdrawal plan referred to in that subparagraph. The appropriate official shall credit to each of the accounts contained in that fund a proportionate amount of that interest and proceeds.

(4) AGREEMENTS REGARDING FUND EXPENDITURE.—If the Tribe does not exercise its right under subsection (a)(4) to withdraw the funds in the Fund and transfer those funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe for the provision of appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in paragraphs (2) and (3) of subsection (c).

(f) PER CAPITA DISTRIBUTIONS PROMPTED.—The Secretary shall be authorized to make per capita distributions to the Tribe.

§ 205. AUTHORIZATION OF APPOINTMENTS.

(a) CHIPPEWA CREEK TRIBE.—There is authorized to be appointed to the Tribe $21,000,000 to be allocated by the Secretary as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For the costs of administration and funds transferred by the Secretary to the compact administration account. The Secretary may authorize the allocation of those funds.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For the costs of economic development, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the Federal contribution toward water supplies and facilities, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(4) ON-RESERVATION WATER DEVELOPMENT.—

(A) $2,000,000 for fiscal year 2000;

(B) $6,000,000 for fiscal year 2001; and

(C) $5,000,000 for fiscal year 2002.

(b) ON-RESERVATION WATER DEVELOPMENT.

(1) IN GENERAL.—There are authorized to be deposited into the Fund and allocated to the Tribe its accounts pursuant to subsection (a) to a water supply plan approved by the Secretary.

(2) IN GENERAL.—In the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 104(b), all unexpended funds appropriated under the authority of this Act together with all interest earned on such funds, notwithstanding whether the funds are held by the Tribe, a private institution, or the Secretary, shall revert to the general fund of the Treasury 12 months after the expiration of the deadline established in section 104(b).

(c) AGREEMENTS IN AGREEMENTS AND PLAN.—The requirements in paragraph (1) shall be included in all annual funding agreements entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), withdrawal plans, withdrawal agreements, or any other agreements for withdrawal or transfer of the funds to the Tribe or a private financial institution under this Act.

(f) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

§ 206. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Articles VI.C.2 and C.3 of the Compact, the State contribution to settlement shall be as follows:

(a) $150,000 appropriated by Montana House Bill 6 of the 55th Legislative Session (1997) shall be used for the following purposes:

(B) Water quality discharge monitoring wells and monitoring program.

(A) A conveyance structure on Big Sandy Creek.

(C) A conveyance structure on Box Elder Creek.

(D) A diversion structure on Lower Beaver Creek Reservoir.

(E) A conveyance structure on Box Elder Creek.

§ 207. TIBER RESERVOIR.

(a) ALLOCATION OF WATER TO THE TRIBE.—

(1) IN GENERAL.—The Secretary shall maintain the water rights of the Tribe and allocate water to the Tribe.

(2) IN GENERAL.—The amounts authorized to be appropriated to the Fund and allocated to the Tribe pursuant to subsection (a) shall be deposited into the Fund and allocated immediately on appropriation.

(3) AVAILABLE OF CERTAIN MONEYS.—The amounts authorized to be appropriated in section (a)(1) shall be available for use immediately upon appropriation in accordance with subsection (a)(1).

(4) LIMITATION.—Those moneys allocated to the Tribe shall be deposited in the Fund or in a fund established under section 104(a)(4) shall draw interest consistent with section 104(d), but the moneys authorized to be appropriated under subsection (a) shall not be available for expenditure until the requirements of section 104(b) have been met so that the decree becomes final and the Tribe has executed the waiver and release required under section 5(c).

(b) RETURN OF FUNDS TO THE TREASURY.—

(E) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

§ 208. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Articles VI.C.2 and C.3 of the Compact, the State contribution to settlement shall be as follows:

(a) $150,000 appropriated by Montana House Bill 6 of the 55th Legislative Session (1997) shall be used for the following purposes:

(B) Water quality discharge monitoring wells and monitoring program.

(A) A conveyance structure on Big Sandy Creek.

(C) A conveyance structure on Box Elder Creek.

(D) A diversion structure on Lower Beaver Creek Reservoir.

(E) A conveyance structure on Box Elder Creek.

§ 209. TIBER RESERVOIR.

(a) ALLOCATION OF WATER TO THE TRIBE.—

(1) IN GENERAL.—The Secretary shall maintain the water rights of the Tribe and allocate water to the Tribe.

(2) IN GENERAL.—The amounts authorized to be appropriated to the Fund and allocated to the Tribe pursuant to subsection (a) shall be deposited into the Fund and allocated immediately on appropriation.

(3) AVAILABLE OF CERTAIN MONEYS.—The amounts authorized to be appropriated in section (a)(1) shall be available for use immediately upon appropriation in accordance with subsection (a)(1).

(4) LIMITATION.—Those moneys allocated to the Tribe shall be deposited in the Fund or in a fund established under section 104(a)(4) shall draw interest consistent with section 104(d), but the moneys authorized to be appropriated under subsection (a) shall not be available for expenditure until the requirements of section 104(b) have been met so that the decree becomes final and the Tribe has executed the waiver and release required under section 5(c).

(b) RETURN OF FUNDS TO THE TREASURY.—

(E) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

§ 208. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Articles VI.C.2 and C.3 of the Compact, the State contribution to settlement shall be as follows:

(a) $150,000 appropriated by Montana House Bill 6 of the 55th Legislative Session (1997) shall be used for the following purposes:

(B) Water quality discharge monitoring wells and monitoring program.

(A) A conveyance structure on Big Sandy Creek.

(C) A conveyance structure on Box Elder Creek.

(D) A diversion structure on Lower Beaver Creek Reservoir.

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(b) RETURN OF FUNDS TO THE TREASURY.—

(E) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.
The allocation shall become effective when the determination of such impact has become final in accordance with that section. The allocation shall be part of the Tribal Water Right and subject to the terms of this Act.

(2) AGREEMENT.—The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe’s use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) PRIOR RESERVED WATER RIGHTS.—The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or person claiming water through any Indian tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—

(1) IN GENERAL.—Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to convey the water allocated by this section to any other Indian tribe, or person claiming water through any Indian tribe.

(c) RANIER STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a).

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facility for the transport or temporary storage of water allocated by this section to the Rocky Boy’s Reservation or to any other location. Except for the contribution set forth in section 203(b)(3) of this title, the cost of developing and delivering the water allocated by this title or any other supplemental water to the Rocky Boy’s Reservation shall not be borne by the United States.

(e) SECTION NOT PRECEDENTIAL.—The provisions of this section regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be construed as precedent in the litigation or settlement of any other Indian water right claims.

SEC. 202. MUNICIPAL, RURAL, AND INDUSTRIAL INTERPRETIVE STUDY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—

(A) STUDY.—The Secretary, acting through the Bureau of Reclamation, shall perform an MR&I feasibility study of water and related resources in North Central Montana to evaluate alternatives for a municipal, rural, and industrial supply for the Rocky Boy’s Reservation.

(B) USE OF FUNDS AVAILABLE FOR FISCAL YEAR 1999.—The authority under subparagraph (A) shall be available for the purpose of conducting the MR&I feasibility study under section 202 and the regional study under section 203, of which—

(1) $500,000 shall be used for the MR&I study under section 202; and

(2) $500,000 shall be used for the regional study under section 203.

(b) FEASIBILITY STUDIES.—There is authorized to be appropriated in subsection (a) to the Department of the Interior for the purpose of conducting the MR&I feasibility study under section 202 and the regional study under section 203 for fiscal year 1999 and for each fiscal year thereafter of which—

(1) $500,000 shall be used for the MR&I feasibility study under section 202; and

(2) $2,500,000 shall be used for the regional study under section 203.

(c) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

(d) AVAILABLE OF CERTAIN MONEYS.—The amounts made available for use under subsection (a) shall be deemed to have been available for use as of the date on which those funds were appropriated. The amounts authorized to be appropriated in subsection (b) shall be available for use immediately upon appropriation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO FILE REPORT AFTER SINE DIE ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to file a report under adjournment. I ask unanimous consent that the Committee on Government Reform be permitted to file an investigative report by December 10, 1999.

The SPEAKER pro tempore. Is there objection to the reading of the gentleman from Indiana?

There was no objection.

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purpose, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so to yield to the gentleman to quickly explain the bill.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I rise in support of S. 28, the Four Corners Interpretive Center Act. Having introduced companion legislation, H.R. 1384, S. 28 simply establishes the Four Corners Interpretive Center to provide a unique collection of cultural, historical and archeological specimens for the millions of people who visit the only geographic location in the nation where the boundaries of four States, Arizona, Colorado, New Mexico and Utah come together.

The Four Corners Monument Tribal Park is located on lands that fall within the Navajo Reservation and the Ute Mountain Reservation. In 1996, these tribes entered into a memorandum of understanding governing the future development of the park.