

Suspend the Rules and Pass the Bill, H.R. 1296, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 1296

To amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mr. HUNTER (for himself, Mr. CALVERT, Mr. GRIJALVA, Mr. PETERS, Ms. LORETTA SANCHEZ of California, Mr. VARGAS, Mr. COLE, Mr. HUFFMAN, and Mr. ROHRABACHER) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SAN LUIS REY SETTLEMENT AGREEMENT IM-**
2 **PLEMENTATION.**

3 The San Luis Rey Indian Water Rights Settlement
4 Act (Public Law 100–675) is amended by inserting after
5 section 111 the following:

6 **“SEC. 112. IMPLEMENTATION OF SETTLEMENT.**

7 “(a) FINDINGS.—Congress finds and recognizes as
8 follows:

9 “(1) The City of Escondido, California, the
10 Vista Irrigation District, the San Luis Rey River In-
11 dian Water Authority, and the Bands have approved
12 an agreement, dated December 5, 2014, resolving
13 their disputes over the use of certain land and water
14 rights in or near the San Luis Rey River watershed,
15 the terms of which are consistent with this Act.

16 “(2) The Bands, the San Luis Rey River In-
17 dian Water Authority, the City of Escondido, Cali-
18 fornia, the Vista Irrigation District, and the United
19 States have approved a Settlement Agreement dated
20 January 30, 2015 (hereafter in this section referred
21 to as the ‘Settlement Agreement’) that conforms to
22 the requirements of this Act.

23 “(b) APPROVAL AND RATIFICATION.—All provisions
24 of the Settlement Agreement, including the waivers and
25 releases of the liability of the United States, the provisions
26 regarding allottees, and the provision entitled ‘Effect of

1 Settlement Agreement and Act,' are hereby approved and
2 ratified.

3 “(c) AUTHORIZATIONS.—The Secretary and the At-
4 torney General are authorized to execute, on behalf of the
5 United States, the Settlement Agreement and any amend-
6 ments approved by the parties as necessary to make the
7 Settlement Agreement consistent with this Act. Such exe-
8 cution shall not constitute a major Federal action under
9 the National Environmental Policy Act of 1969 (42 U.S.C.
10 4321 et seq.). The Secretary is further authorized and di-
11 rected to take all steps that the Secretary may deem nec-
12 essary or appropriate to implement the Settlement Agree-
13 ment and this Act.

14 “(d) CONTINUED FEDERALLY RESERVED AND
15 OTHER WATER RIGHTS.—

16 “(1) IN GENERAL.—Notwithstanding any other
17 provision of law, including any provisions in this
18 Act, the Bands had, have, and continue to possess
19 federally reserved rights and other water rights held
20 in trust by the United States.

21 “(2) FUTURE PROCEEDINGS.—In any pro-
22 ceeding involving the assertion, enforcement, or de-
23 fense of the rights described in this subsection, the
24 United States, in its capacity as trustee for any
25 Band, shall not be a required party and any decision

1 by the United States regarding participation in any
2 such proceeding shall not be subject to judicial re-
3 view or give rise to any claim for relief against the
4 United States.

5 “(e) ALLOTTEES.—Congress finds and confirms that
6 the benefits to allottees in the Settlement Agreement, in-
7 cluding the remedies and provisions requiring that any
8 rights of allottees shall be satisfied from supplemental
9 water and other water available to the Bands or the Indian
10 Water Authority, are equitable and fully satisfy the water
11 rights of the allottees.

12 “(f) NO PRECEDENT.—Nothing in this Act shall be
13 construed or interpreted as a precedent for the litigation
14 or settlement of Indian reserved water rights.”

15 **SEC. 2. DISBURSEMENT OF FUNDS.**

16 The second sentence of section 105(b)(1) of the San
17 Luis Rey Indian Water Rights Settlement Act (Public
18 Law 100–675) is amended by striking the period at the
19 end, and inserting the following: “, provided that—

20 “(i) no more than \$3,700,000 per
21 year (in principal, interest or both) may be
22 so allocated; and

23 “(ii) none of the funds made available
24 by this section shall be available unless the
25 Director of the Office of Management and

1 Budget first certifies in writing to the
2 Committee on Natural Resources of the
3 House of Representatives and the Com-
4 mittee on Indian Affairs of the Senate that
5 the federal budget will record budgetary
6 outlays from the San Luis Rey Tribal De-
7 velopment Fund of only the monies, not to
8 exceed \$3,700,000 annually, that the Sec-
9 retary of the Treasury, pursuant to this
10 section, allocates and makes available to
11 the Indian Water Authority from the trust
12 fund.”.