

Statement of John W. Keys, III
Commissioner, U.S. Bureau of Reclamation
on
H.R. 3223, Jicarilla Apache Reservation Rural Water Systems
House Resources Subcommittee on Water and Power
June 5, 2002

Mr. Chairman and members of the Subcommittee, my name is John Keys. I am Commissioner of the Bureau of Reclamation. Thank you for the opportunity to appear today to present the Department of the Interior's views on H.R. 3223, the Jicarilla Apache Reservation Municipal Water System Act.

The Department supports efforts to secure a safe and reliable water supply system for the Jicarilla Apache Nation. We recognize that the existing water systems on the reservation at Dulce, New Mexico, are old, in bad repair, inadequately sized for the current population, and do not always meet Clean Water Act standards. The Jicarilla Apache Nation has an urgent and immediate need for additional housing, schools, elderly housing, medical and other facilities, which cannot be built until adequate municipal water systems are available. However, we cannot support H.R. 3223 as it is currently written for the following reasons:

H.R. 3223, as introduced, would require 100 percent Federal funding for the estimated \$45 million in remaining construction costs. A more equitable level of cost sharing with the non-tribal beneficiaries is necessary, in accordance with current Reclamation policy. H.R. 3223 places unnecessary restraints on the Secretary of the Interior's flexibility to manage the budget, and would place an enormous strain on the existing funding.

H.R. 3223 is unclear regarding the roles and responsibilities for the planning, design, and construction of the Project. We recommend that the Secretary be authorized to design and construct the Project by entering into agreements and contracts as requested by the Nation in accordance with the Indian Self-Determination Act (Public Law 93-638; 25 USC 450).

The ultimate responsibility for long-term operation, maintenance and replacement of project facilities is not clear, with potentially conflicting requirements presented in various sections of H.R. 3223. The Department believes that this responsibility, and that of obtaining rights-of-way, should be clearly and explicitly defined within this bill. We believe these responsibilities should be assigned to the Jicarilla Apache Nation. This recommendation would be consistent with the expressed desire by the Nation to own, operate, and maintain the new facilities.

The Administration is also concerned with language that authorizes Reclamation to participate in developing wastewater facilities, which is outside of Reclamation's normal mission and will divert resources from Reclamation's core programs.

The Administration is currently completing its review of the Report defined in Sec 3(5) of HR 3223, and will forward it to the sponsor and the Committee as soon as the review is complete.

Thank you again for the opportunity to comment on H.R. 3223. I would be happy to answer any questions the Subcommittee may have.

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