

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 3236 authorizes the Secretary of the Interior to enter into Warren Act contracts for water from the Weber Basin project in Utah. These contracts are an important water management tool in the Western United States where there is an opportunity to use a nearby Bureau of Reclamation project to transport local water supplies for municipal or other uses.

We support the legislation, and we congratulate the gentleman from Utah (Mr. CANNON) on his effort.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just once again state this legislation is needed to continue the development of much-needed water resources in the Weber Basin Water Conservancy District. I urge my colleagues to join me in supporting this necessary legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3236, 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.

#### DUCHESNE CITY WATER RIGHTS CONVEYANCE ACT

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3468) to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah, as amended.

The Clerk read as follows:

H.R. 3468

*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 "Duchesne City Water Rights Conveyance Act".

##### SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1861, President Lincoln established the Uintah Valley Reservation by Executive order. The Congress confirmed the Executive order in 1864 (13 Stat. 63), and additional lands were added to form the Uintah Indian Reservation (now known as the Uintah and Ouray Indian Reservation).

(2) Pursuant to subsequent Acts of Congress, lands were allotted to the Indians of the reservation, and unallotted lands were restored to the public domain to be disposed of under homestead and townsite laws.

(3) In July 1905, President Theodore Roosevelt reserved lands for the townsite for Duchesne, Utah, by Presidential proclamation and pursuant to the applicable townsite laws.

(4) In July 1905, the United States, through the Acting United States Indian Agent in Behalf of the Indians of the Uintah Indian Reservation, Utah, filed 2 applications, 43-180 and 43-203, under the laws of the State of Utah to appropriate certain waters.

(5) The stated purposes of the water appropriation applications were, respectively, "for irrigation and domestic supply for townsite purposes in the lands herein described", and "for the purpose of irrigating Indian allotments on the Uintah Indian Reservation, Utah, . . . and for an irrigating and domestic water supply for townsite purposes in the lands herein described".

(6) The United States subsequently filed change applications which provided that the entire appropriation would be used for municipal and domestic purposes in the town of Duchesne, Utah.

(7) The State Engineer of Utah approved the change applications, and the State of Utah issued water right certificates, identified as Certificate Numbers 1034 and 1056, in the name of the United States Indian Service in 1921, pursuant to the applications filed, for domestic and municipal uses in the town of Duchesne.

(8) Non-Indians settled the town of Duchesne, and the inhabitants have utilized the waters appropriated by the United States for townsite purposes.

(9) Pursuant to title V of Public Law 102-575, Congress ratified the quantification of the reserved waters rights of the Ute Indian Tribe, subject to reratification of the water compact by the State of Utah and the Tribe.

(10) The Ute Indian Tribe does not oppose legislation that will convey the water rights appropriated by the United States in 1905 to the city of Duchesne because the appropriations do not serve the purposes, rights, or interests of the Tribe or its members, because the full amount of the reserved water rights of the Tribe will be quantified in other proceedings, and because the Tribe and its members will receive substantial benefits through such legislation.

(11) The Secretary of the Interior requires additional authority in order to convey title to those appropriations made by the United States in 1905 in order for the city of Duchesne to continue to enjoy the use of those water rights and to provide additional benefits to the Ute Indian Tribe and its members as originally envisioned by the 1905 appropriations.

##### SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE CITY, UTAH.

(a) CONVEYANCE.—The Secretary of the Interior, as soon as practicable after the date of enactment of this Act, and in accordance with all applicable law, shall convey to Duchesne City, Utah, or a water district created by Duchesne City, all right, title, and interest of the United States in and to those water rights appropriated under the laws of the State of Utah by the Department of the Interior's United States Indian Service and identified as Water Rights Nos. 43-180 (Certificate No. 1034) and 43-203 (Certificate No. 1056) in the records of the State Engineer of Utah.

(b) REQUIRED TERMS.—

(1) IN GENERAL.—As terms of any conveyance under subsection (a), the Secretary shall require that Duchesne City—

(A) shall allow the Ute Indian Tribe of the Uintah and Ouray Reservation, its members, and any person leasing or utilizing land that is held in trust for the Tribe by the United States and is located within the Duchesne City water service area (as such area may be adjusted from time to time), to connect to the Duchesne City municipal water system;

(B) shall not require such tribe, members, or person to pay any water impact, connection, or similar fee for such connection; and

(C) shall not require such tribe, members, or person to deliver or transfer any water or water rights for such connection.

(2) LIMITATION.—Paragraph (1) shall not be construed to prohibit Duchesne City from charging any person that connects to the Duchesne City municipal water system pursuant to paragraph (1) reasonable, customary, and nondiscriminatory fees to recover costs of the operation and maintenance of the water system to treat, transport, and deliver water to the person.

##### SEC. 4. WATER RIGHTS.

(a) NO RELINQUISHMENT OR REDUCTION.—Except as provided in section 3, nothing in this Act may be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Utah on or before the date of enactment of this Act.

(b) NO PRECEDENT.—Nothing in this Act may be construed as establishing a precedent for conveying or otherwise transferring water rights held by the United States.

##### SEC. 5. TRIBAL RIGHTS.

Nothing in this Act may be construed to affect or modify any treaty or other right of the Ute Indian Tribe or any other Indian tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

##### GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material therein, on H.R. 3468.

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

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to have the opportunity to discuss H.R. 3468, the Duchesne City Water Rights Conveyance Act on the House floor. This legislation gives the city of Duchesne rights to water owned by the United States Indian Service. Duchesne is currently using this water and has used it since the city was established.

Since this law corrects a legal anomaly, some historical background may be helpful. When the Uintah Indian Reservation was opened for settlement in 1905, land was auctioned to the highest bidder under the Township Act and the City of Duchesne was created. The acting Indian agent of the reservation filed two applications to appropriate water with the Utah State Engineer.

These applications were intended for irrigation and domestic supply in the City of Duchesne under the township provisions. For many years now, attempts to place the water rights in the name of Duchesne City have failed despite acknowledgments by all interested parties that the water rights were meant for Duchesne City exclusively.

Since the United States Indian Service no longer exists, there is no way to

transfer these water rights without legislation. In fact, this bill is at the request of the Utah State Engineer.

Mr. Speaker, Utah is an arid State and water is a valuable resource. The very nature of water rights ownership can be contentious.

For this reason, the legislation is urgent and necessary. The City of Duchesne and the Ute Indian Tribe have worked hard on this legislation, and they hope to transfer these water rights during this session of Congress.

The Ute Indian Tribe will benefit by this proposal, being able to connect to the Duchesne City Municipal Water System without any water impact or connection fee. Furthermore, no members of the tribe connecting to the municipal water system will be required to give up rights to water or water rights that they hold in addition to the municipal water.

The version of the bill that is before us today includes language worked out between the Department of the Interior, the Ute Indian Tribe, and the City of Duchesne. We now include findings that ensure that the full history of these water rights is known.

Additionally, there is language that would ensure that tribal rights and current water rights are protected.

I would like to thank all those who have worked on this bill. Mayor Kim Hamlin, Councilman Paul Tanner from Duchesne, and CRAIG SMITH, special counsel on water have worked hard to coordinate with the Department of the Interior and have come up with the compromise language that we now have before us.

Again, Mr. Speaker, I am grateful for the opportunity to bring this before the House of Representatives. I look forward to resolving this problem for the City of Duchesne.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 3468 would convey to Duchesne City, Utah, certain water rights now held in trust by the Secretary of the Interior. The bill would allow the Ute Indian Tribe to connect to the municipal water system of Duchesne City, Utah, without payment of customary impact and connection fees. It is my understanding that the concerns raised by the Department of the Interior have been satisfactorily resolved. We support the legislation and congratulate the gentleman from Utah (Mr. CANNON) on his efforts.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I would just like to reiterate that this bill simply corrects a legal anomaly. The City of Duchesne is using this water and should bear title to it. I urge my colleagues to join with me in supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3468, 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.

□ 1715

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1651, to concur in the Senate amendment, by the yeas and nays;

H.R. 2919, by the yeas and nays;

S. 1910, by the yeas and nays.  
The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1651.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1651, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 265, nays 154, not voting 15, as follows:

[Roll No. 433]

YEAS—265

Aderholt	Boehlert	Collins
Allen	Boehner	Combest
Andrews	Boniilla	Cooksey
Archer	Bono	Cox
Armey	Boyd	Cramer
Bachus	Brady (TX)	Crane
Baker	Bryant	Cunningham
Baldacci	Burr	Davis (VA)
Baldwin	Burton	Deal
Ballenger	Buyer	DeFazio
Barr	Callahan	Delahunt
Barrett (NE)	Calvert	DeLauro
Barrett (WI)	Camp	DeLay
Bartlett	Campbell	DeMint
Bass	Canady	Diaz-Balart
Bereuter	Cannon	Dickey
Berman	Capps	Dicks
Berry	Cardin	Doggett
Biggert	Castle	Dooley
Bilbray	Chabot	Doolittle
Bilirakis	Chambliss	Dreier
Bishop	Chenoweth-Hage	Dunn
Bliley	Clayton	Ehlers
Blumenauer	Coble	Ehrlich
Blunt	Coburn	Emerson

English	Lewis (CA)	Ryun (KS)
Eshoo	Lewis (GA)	Salmon
Everett	Lewis (KY)	Sanchez
Farr	Linder	Saxton
Fletcher	LoBiondo	Scarborough
Foley	Lofgren	Schakowsky
Ford	Lowey	Serrano
Fossella	Lucas (KY)	Sessions
Fowler	Lucas (OK)	Shadegg
Frelinghuysen	Luther	Shaw
Gallegly	Manzullo	Shays
Ganske	Markey	Sherman
Gejdenson	Martinez	Sherwood
Gekas	McCrery	Shimkus
Gibbons	McDermott	Shuster
Gilchrest	McHugh	Simpson
Gillmor	McInnis	Skeen
Goodling	McKeon	Smith (MI)
Gordon	McKinney	Smith (NJ)
Goss	McNulty	Smith (TX)
Graham	Meehan	Snyder
Granger	Metcalfe	Souder
Green (WI)	Mica	Spence
Greenwood	Miller (FL)	Stark
Gutknecht	Miller, George	Stenholm
Hall (TX)	Minge	Stump
Hansen	Mink	Sununu
Hastings (WA)	Moore	Sweeney
Hayes	Moran (KS)	Talent
Hayworth	Moran (VA)	Tancredo
Hefley	Morella	Tanner
Henger	Myrick	Tauscher
Hill (IN)	Nadler	Tauzin
Hill (MT)	Nethercutt	Taylor (MS)
Hilleary	Ney	Taylor (NC)
Hinchey	Northup	Terry
Hobson	Norwood	Thompson (CA)
Hoekstra	Nussle	Thornberry
Holt	Ortiz	Thune
Hooley	Ose	Tiahrt
Horn	Oxley	Tierney
Hostettler	Packard	Toomey
Houghton	Pallone	Trificant
Hoyer	Pease	Udall (CO)
Hulshof	Pelosi	Upton
Hunter	Peterson (PA)	Vitter
Hutchinson	Pickering	Walden
Hyde	Pitts	Walsh
Isakson	Pombo	Watkins
Istook	Porter	Watts (OK)
Jackson (IL)	Portman	Waxman
Johnson (CT)	Pryce (OH)	Weldon (FL)
Johnson, Sam	Quinn	Weldon (PA)
Kelly	Radanovich	Weller
Kind (WI)	Ramstad	Whitfield
Kingston	Regula	Wicker
Knollenberg	Reynolds	Wilson
Kolbe	Riley	Wolf
Kuykendall	Rogan	Woolsey
LaHood	Rogers	Wu
Larson	Rothman	Young (AK)
Latham	Roukema	Young (FL)
LaTourette	Roybal-Allard	
Leach	Ryan (WI)	

NAYS—154

Abercrombie	Deutsch	Kanjorski
Ackerman	Dingell	Kaptur
Baca	Dixon	Kasich
Baird	Doyle	Kennedy
Barcia	Duncan	Kildee
Bateman	Engel	Kilpatrick
Becerra	Etheridge	King (NY)
Bentsen	Evans	Kleccka
Berkley	Fattah	Klink
Blagojevich	Filner	Kucinich
Bonior	Forbes	LaFalce
Borski	Frank (MA)	Lampson
Boswell	Frost	Lantos
Boucher	Gephardt	Largent
Brady (PA)	Gonzalez	Lee
Brown (FL)	Goode	Levin
Brown (OH)	Goodlatte	Lipinski
Capuano	Green (TX)	Maloney (CT)
Carson	Gutierrez	Maloney (NY)
Clay	Hall (OH)	Mascara
Clement	Hastings (FL)	Matsui
Clyburn	Hilliard	McCarthy (MO)
Condit	Hinojosa	McCarthy (NY)
Conyers	Hoefel	McIntyre
Cook	Holden	McGovern
Costello	Inlee	Meek (FL)
Coyne	Jackson-Lee	Meeks (NY)
Crowley	(TX)	Millender-
Cummings	Jefferson	McDonald
Danner	John	Miller, Gary
Davis (FL)	Johnson, E. B.	Moakley
Davis (IL)	Jones (NC)	Mollohan
DeGette	Jones (OH)	Murtha