

the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

THE AK-CHIN WATER USE AMENDMENTS ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2647) to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

The Clerk read as follows:

H.R. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this Act rests in article I, section 8, authorizing Congress to "regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes".

SEC. 2. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) SHORT TITLE.—This section may be cited as the "Ak-Chin Water Use Amendments Act of 1999".

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698), as amended by section 10 of the Act of October 24, 1992 (Public Law 102-497; 106 Stat. 3258), is amended to read as follows:

"(j)(1) The Ak-Chin Indian Community (hereafter in this Act referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational, or other beneficial use, in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into options to lease, to renew options to lease, to extend the initial terms of leases for the same or a lesser term as the initial term of the lease, to renew leases for the same or a lesser term as the initial term of the lease, to exchange or temporarily dispose of water to which it is entitled for the beneficial use in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

"(2) Notwithstanding paragraph (1), the initial term of any lease entered into under this subsection shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, enters into an option to lease, renews an option to lease, extends a lease, renews a lease, or exchanges or temporarily disposes of water, such action shall only be valid pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary."

(c) APPROVAL OF LEASE AND AMENDMENT OF LEASE.—The option and lease agreement among the Ak-Chin Indian Community, the

United States of America, and Del Webb Corporation, dated as of December 14, 1996, and the Amendment Number One thereto among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of January 7, 1999, are hereby ratified and approved. The Secretary of the Interior is hereby authorized and directed to execute Amendment Number One, and the restated agreement as provided in Amendment Number One, not later than 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, Congress passed the Ak-Chin water settlement in 1978. It was amended subsequently in 1984. And then in the 1992 amendment, off-reservation leasing of the Indian community's water entitlement was allowed, but the period of the lease was limited to 100 years. The amendment in 1992 did not allow for an extension of the lease after the 100-year period had been completed.

This legislation would provide a legal avenue for the Ak-Chin tribe to extend or renew their existing lease with an Arizona development company that must obtain a State of Arizona Assured Water Supply certificate for municipal water use.

The administration, I understand, has indicated that it is still opposed to the bill. However, it is my understanding that the minority does not object to this legislation, and I would urge Members to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2647 is an amendment to the 1984 Ak-Chin Water Use Act. The 1984 act confirms the Ak-Chin Indian Community's rights to receive water from the Central Arizona Project, but it did not include the authority for the community to lease its Central Arizona Project water for use off reservation. Congress granted leasing authority to the Ak-Chin in 1992.

The community now desires to lease these 10,000 acre-feet of water annually to the Del Webb Corporation for use in a new planned community. The Ak-Chin Community and Del Webb entered into a 100-year lease agreement in 1996. It was believed at the time this would meet the State's requirement for an "assured water supply" of at least 100 years. However, since several years have passed and since the lease agreement was signed, it is now apparent that the availability of an "assured

water supply" under this lease would, in fact, be for less than 100 years.

Mr. Speaker, this legislation will extend to the Ak-Chin leasing authority for longer term, making the lease consistent with the requirements of the Arizona state law.

The administration has expressed some concerns about the legislation; however, at this time we do support it and ask that the House support moving this bill forward.

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

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG) for his statement on the bill.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Mr. Speaker, I want to begin by commending both the gentleman from Alaska (Mr. YOUNG), chairman of the committee, and the gentleman from California (Mr. DOOLITTLE), chairman of the subcommittee, for their assistance with this legislation. I also commend the gentleman from California (Mr. GEORGE MILLER), ranking member, who has spoken on this legislation, for their assistance with H.R. 2647, the Ak-Chin Water Use Amendment Act of 1999.

As both of my colleagues have indicated, this legislation is critically important for the Ak-Chin Indian Community. The history has already been recited. The United States Congress in 1984 established the Ak-Chin Indian Community's right to 75,000 acre-feet per year of CAP water. In 1992, the tribe sought the authority to lease this water for off-reservation use. That is a critically important issue in Arizona, because there is tremendous demand for this water for off-reservation uses.

The Congress extended the tribe that authority, but it placed a 100-year maximum term on the lease, and this is where the issue comes, it failed to allow the tribe to extend into options to renew such leases or to extend such leases in any way, shape or form, setting a maximum period of 100 years.

Mr. Speaker, this legislation corrects that defect by providing that the tribe may enter into either options to renew a lease or renewals of a lease for no more than the original term. And, importantly, it provides that the tribe may not permanently alienate the water at issue. What this legislation does is that it enables the Indian tribe to get the highest value for its Indian water rights and for its CAP water. Without this legislation, the tribe is restricted to only being able to alienate the water, or lease the water, for 100 years. As the gentleman from California (Mr. GEORGE MILLER) explained, that simply does not meet the requirements of Arizona law, which requires a 100-year assured water supply.

This legislation has the support of Governor Hull of Arizona, it has the